

# Exhibit 8

UNITED STATES SOUTHERN DISTRICT  
SOUTHERN DISTRICT OF NEW YORK

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GRAHAM CHASE ROBINSON,

Plaintiff,

-against-

Case No:

1:19-cv-09156 (LTS) (KHP)

ROBERT DE NIRO and CANAL PRODUCTIONS, INC.,

Defendants.

-----X

DEPOSITION TAKEN VIA ZOOM

March 23, 2022

9:03 a.m.

VIDEOTAPED DEPOSITION of MICHAEL KAPLAN, held  
at the above-mentioned time, before, PAIGE HAYDEN, a  
Court Reporter and Notary Public of the State of New  
York.

-----X

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1 A P P E A R A N C E S:

2 SANFORD HEISLER SHARP, LLP  
Attorneys for Plaintiff  
3 1350 6th Avenue 31st floor  
New York, New York 10019  
4

5 BY: ALEXANDRA HARWIN, ESQ.  
6

7 TRAUB LIEBERMAN  
Attorneys for Defendant  
8 Seven Skyline Drive  
HAWTHORNE, NEW YORK 10532  
9

10 BY: GREGORY BENNETT, ESQ.  
11

12 TARTER KRINSKY & DROGIN LLP  
Attorneys for Defendant  
13 1350 Broadway  
New York, New York 10018  
14

15 BY: LAURENT DROGIN, ESQ.  
16

17 ALSO PRESENT:

18 KEVIN SHOVER, VIDEOGRAPHER, MAGNA LEGAL SERVICES

19 KATE MACMULLIN, SANFORD HEISLER SHARP, LLP

ANNIE SLOAN, SANFORD HEISLER SHARP, LLP

20 JEREMY HEISLER, SANFORD HEISLER SHARP, LLP

SIMON SCHAITKIN, SANFORD HEISLER SHARP, LLP  
21

CHASE GRAHAM ROBINSON, PLAINTIFF

22 BRITTANY K. LAZZARO, TARTER KRINSKY & DROGIN LLP

23 TOM HARVEY  
24  
25

FEDERAL STIPULATIONS

IT IS HEREBY STIPULATED AND AGREED by and between the attorneys for the respective parties herein, that filing and sealing be and the same are hereby waived.

IT IS FURTHER STIPULATED AND AGREED that all objections, except as to form of the question, shall be reserved to the time of the trial.

IT IS FURTHER STIPULATED AND AGREED that the within deposition may be sworn to and signed before any officer authorized to administer an oath, with the same force and effect as if signed and sworn to before this Court.

1

2

3           THE VIDEOGRAPHER: We are  
4 now on the record. This  
5 begins video tape number one  
6 in the deposition of Michael  
7 Kaplan, in the matter of  
8 Graham Chase Robinson v  
9 Robert De Niro and Canal  
10 Productions, Inc.

11           Today is March 23, 2022,  
12 and the time is now 9:03 a.m.  
13 Eastern.

14           This deposition is being  
15 held remotely via Zoom. The  
16 videographer is Kevin Shover,  
17 and the court reporter is  
18 Paige Hayden both of Magna  
19 Legal Services.

20           Will counsel and all  
21 parties present state their  
22 appearances and whom they  
23 represent?

24           MS. HARWIN: My name is  
25 Alexandra Harwin. I am from

1  
2 Sanford Heisler Sharp, and I  
3 represent the Plaintiff,  
4 Graham Chase Robinson.

5 MR. HEISLER: Jeremy  
6 Heisler from Sanford Heisler  
7 Sharp, for the Plaintiff  
8 Chase Robinson.

9 MS. MACMULLIN: Kate  
10 Macmullin from Sanford  
11 Heisler Sharp for the  
12 Plaintiff, Graham Chase  
13 Robinson.

14 MS. SLOAN: Annie Sloan,  
15 from Sanford Heisler Sharp on  
16 behalf of the Plaintiff  
17 Graham Chase Robinson.

18 MR. SCHAITKIN: Simon  
19 Schaitkin from Sanford  
20 Heisler Sharp, on behalf of  
21 the Plaintiff, Graham Chase  
22 Robinson.

23 MR. BENNETT: Gregory  
24 Bennett, Traub Lieberman for  
25 all Defendants.

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MR. DROGIN: Laurent  
Drogin, Tarter Krinsky &  
Drogin, for Canal  
Productions.

MS. LAZZARO: Brittany  
Lazzaro from Tarter Krinsky &  
Drogin, for Canal  
Productions.

MR. HARVEY: Tom Harvey  
for the Defendants.

THE VIDEOGRAPHER: Will  
the court reporter please  
swear in the witness?

1  
2 MICHAEL KAPLAN, the WITNESS  
3 herein, having been first  
4 duly sworn by a Notary Public  
5 of the State of New York, was  
6 examined and testified as  
7 follows:

8 EXAMINATION BY  
9 MS. HARWIN:

10 Q. State your name for the  
11 record, please.

12 A. Michael Ira Kaplan.

13 Q. State your address for the  
14 record, please.

15 [REDACTED]  
[REDACTED]  
[REDACTED]

18 MR. DROGIN: Ms. Harwin,  
19 you want to proceed under the  
20 usual Federal Stipulations?

21 MS. HARWIN: We stipulate  
22 that objections not as to  
23 form are preserved for trial,  
24 but objections as to form  
25 must be made during the



1 M. KAPLAN

2 course of the deposition.

3 MR. DROGIN: Any other

4 Federal Stipulations?

5 MS. HARWIN: I am not

6 aware of any other

7 stipulations to which we are

8 agreeing.

9 MR. DROGIN: Can we ask

10 the court reporter to read

11 them, please, and then you

12 can decide?

13 THE COURT REPORTER:

14 (Whereupon, the requested

15 portion was read by the

16 reporter:

17 "It is hereby stipulated

18 and agreed by and between the

19 attorneys for the respective

20 parties herein, that filing

21 and sealing be and the same

22 are hereby waived.

23 It is further stipulated

24 and agreed that all

25 objections, except as to form

1 M. KAPLAN

2 of the question, shall be  
3 reserved to the time of the  
4 trial.

5 It is further stipulated  
6 and agreed that the within  
7 deposition may be sworn to  
8 and signed before any officer  
9 authorized to administer an  
10 oath, with the same force and  
11 effect as if signed and sworn  
12 to before this Court."

13 MR. DROGIN: Are those  
14 acceptable?

15 MS. HARWIN: The first  
16 stipulation, I believe,  
17 doesn't actually apply to  
18 federal cases, and is  
19 actually a New York State  
20 procedural stipulation.

21 But as to the second two,  
22 we do stipulate.

23 And please confirm on  
24 behalf of the Defendant that  
25 you so stipulate.

1 M. KAPLAN

2 MR. DROGIN: Sure. For  
3 Canal, yes.

4 MR. BENNETT: Confirm for  
5 Defendants.

6 Q. Okay.

7 Mr. Kaplan, my name is  
8 Alexandra Harwin. I am an attorney  
9 for Graham Chase Robinson. I am  
10 going to be asking you questions  
11 today, a deposition.

12 Have you ever been deposed  
13 before?

14 A. I have not had the pleasure  
15 before.

16 Q. Okay.

17 Have you ever testified  
18 under oath before?

19 A. No. First for everything.

20 Q. Okay.

21 Well then, let me take a  
22 few minutes and I'm going to go over  
23 some ground rules for a deposition  
24 that should make everything run more  
25 smoothly today.

1 M. KAPLAN

2 I am going to ask you  
3 questions and both my questions and  
4 your answers will be recorded by the  
5 court reporter.

6 Both of us need to speak up  
7 and speak clearly and slowly so that  
8 the court reporter can record  
9 everything that we say.

10 Do you understand that?

11 A. Uh-huh.

12 Q. Okay.

13 So that is actually a great  
14 lead into my next ground rule, which  
15 is that you need to answer in a  
16 verbal manner. So a court reporter  
17 cannot record a shrug, or a nod, or  
18 an uh-huh. You are going to need to  
19 answer, yes, or correct, or no, so  
20 that is clear what your answer is.

21 Do you understand that?

22 A. Yes, I do.

23 Q. Please make sure to wait  
24 until I finish my question before  
25 you start answering, even if you

1 M. KAPLAN  
2 know where I am going with my  
3 question. It is important that  
4 there is a clear record of what it  
5 is that you are answering. So  
6 please make sure to wait until I  
7 finish my question before you start  
8 answering.

9 Do you understand that?

10 A. Yes.

11 Q. Okay.

12 If you don't understand my  
13 question for whatever reason, don't  
14 answer it. Just ask for  
15 clarification.

16 If you answer the question,  
17 however, it will be assumed that you  
18 understood the question.

19 Do you understand that?

20 A. Yes.

21 Q. It is going to be a long  
22 day. If you need a break, let me  
23 know, and we will finish your  
24 answer. If you are in the middle of  
25 it, it is a fine time to take a

1 M. KAPLAN

2 break, but you can't take a break if  
3 there is a question pending.

4 Do you understand that?

5 A. If there is another  
6 question coming after or in the  
7 middle of the question you mean?

8 Q. If you are in the middle of  
9 the question.

10 A. Okay.

11 Q. So If I have asked a  
12 question, you can't take a break  
13 before answering that question.

14 Do you understand that?

15 A. Yes.

16 Q. Okay.

17 Are you represented by  
18 counsel in this deposition?

19 A. No.

20 Q. Okay.

21 There may be objections  
22 from time to time from the lawyers  
23 for the Defendants. But regardless  
24 of any objections they state, you  
25 are required to answer my questions.

1 M. KAPLAN

2 Do you understand that?

3 A. Yes.

4 Q. Okay.

5 If you answer a question  
6 and later on remember some  
7 additional information or want to  
8 clarify your earlier response, tell  
9 me that, and we will give you an  
10 opportunity to do that.

11 Do you understand?

12 A. Yes.

13 Q. Okay.

14 If I use a term or a  
15 abbreviation incorrectly, please  
16 correct my usage so that we can make  
17 sure we have the same understanding  
18 of what the record means.

19 Do you understand that?

20 A. Yes.

21 Q. When I refer to Canal, I am  
22 referring to Canal Productions, Inc.

23 Do you understand that?

24 A. Yes.

25 Q. If -- is there any

1 M. KAPLAN

2 instructions that I have provided so  
3 far that you don't understand or  
4 agree with?

5 A. No.

6 Q. Okay.

7 Your testimony today is  
8 under oath, just as if you were in a  
9 court of law, and providing false  
10 testimony subjects you to liability  
11 of perjury.

12 Do you understand that?

13 A. Yes.

14 Q. This testimony that you  
15 provide may be used as evidence in  
16 this case.

17 Do you understand that?

18 A. Yes.

19 Q. Are you doing this  
20 deposition on a computer?

21 A. Yes.

22 Q. Okay.

23 Do you have any other  
24 electronic devices that are on in  
25 the room that you are in right now?



1 M. KAPLAN

2 A. I mean, I have my phone,  
3 but it is over there (indicating).

4 Q. Okay.

5 A. But I need to leave it on  
6 in case -- I don't know. Do I have  
7 to turn my phone on [sic]? Is that  
8 what you are saying? Off?

9 Q. Yes. During -- while the  
10 examination is going on, I would  
11 like you to turn your phone off so  
12 that there is no communications  
13 coming to or from you other than the  
14 answering of questions during the  
15 deposition.

16 A. Okay. I will just need  
17 breaks to check for --

18 Q. We will be taking breaks  
19 from time to time. So you will have  
20 the opportunity to do that.

21 MR. DROGIN: Hold on. I  
22 object to that. You can't  
23 direct the witness to turn  
24 off a telephone. You can  
25 direct the witness not to

1 M. KAPLAN

2 receive or transmit during a  
3 deposition. But if there is  
4 an emergency with one of his  
5 children, why can't he have  
6 his phone on?

7 MS. HARWIN: Your  
8 objection is noted.

9 Q. Mr. Kaplan, can you turn  
10 off your phone?

11 A. Sure. Okay.

12 Q. Thank you.

13 Is there anyone in the room  
14 with you today?

15 A. Just my dog.

16 Q. Okay.

17 Is there anyone in the  
18 place where you are doing this  
19 deposition, are you -- let me  
20 restate that.

21 Are you at your home for  
22 this deposition?

23 A. Yeah. But if this goes  
24 long enough, there might be children  
25 here later. But at the moment there

1 M. KAPLAN

2 is no one here.

3 Q. Same for me. Okay.

4 Do you understand your  
5 obligation to provide testimony  
6 today that is truthful and complete?

7 A. Yes.

8 Q. Do you understand that you  
9 must provide testimony that is  
10 truthful and complete even if it  
11 might be hurtful to Mr. De Niro?

12 A. Sure, yes.

13 Q. And you understand that you  
14 must provide testimony that is  
15 truthful and complete even if it may  
16 not be favorable for you, do you  
17 understand that?

18 A. Sure. Yes.

19 Q. What is your date of birth?

20 [REDACTED]

21 Q. Have you gone by any other  
22 name other than Michael Ira Kaplan?

23 A. No.

24 Q. How long have you resided  
25 at your present address?

1 M. KAPLAN

2 A. About -- about six and a  
3 half years.

4 Q. Where did you reside before  
5 that?

6 [REDACTED]  
[REDACTED]  
[REDACTED]

9 Q. Are you married?

10 A. Yes.

11 Q. Okay.

12 And what is the name of  
13 your spouse?

14 A. Randi Kaplan.

15 Q. And when were you married?

16 [REDACTED]

17 Q. Do you have any children?

18 A. Two.

19 Q. How old are your children?

20 A. Nine and seven. Nine and  
21 eight. Sorry. Birthday last week.

22 Q. Happy birthday.

23 A. Thank you.

24 Q. Do you suffer from any  
25 condition that affects your memory?

1 M. KAPLAN

2 A. Not that I am aware of, no.

3 Q. Have you consumed any  
4 substances that affect your memory?

5 A. No.

6 Q. Have you consumed any  
7 substances that affect your ability  
8 to communicate today?

9 A. No.

10 Q. Is there any reason  
11 physically or mentally that you are  
12 not able to testify truthfully  
13 today?

14 A. No.

15 Q. Have you ever been involved  
16 in any lawsuit other than this one  
17 as a witness?

18 A. No.

19 Q. Have you ever been a  
20 witness in any other kind of legal  
21 proceeding, whether is it a  
22 judicial, arbitral or administrative  
23 proceeding?

24 A. No.

25 Q. Have you ever been a party

1 M. KAPLAN

2 in any lawsuit?

3 A. A party to any lawsuit?

4 No.

5 Q. Have you ever been a party  
6 in any other kind of legal  
7 proceeding, whether it is judicial,  
8 arbitral or administrative  
9 proceeding?

10 A. No.

11 Q. Is there something that you  
12 are thinking?

13 A. You mean a courtroom thing?  
14 Like going to court to -- I am not  
15 understanding.

16 Q. Sure. Thank you for asking  
17 for clarification.

18 Is there a kind of  
19 proceeding that you are thinking of  
20 that you are not sure whether it  
21 counts?

22 A. I mean, I -- I was a -- I  
23 was interview as a -- as part of an  
24 investigation to somebody in a  
25 financial thing, but it wasn't -- I

1 M. KAPLAN

2 wasn't a witness. I don't know what  
3 -- I don't know the difference  
4 between witness I guess. It was in  
5 a courtroom. Yeah.

6 Q. What was the -- what was  
7 the nature of the matter that you  
8 were interviewed in connection with?

9 A. I was interviewed in  
10 connection with an insider trading  
11 thing that somebody I knew was  
12 involved or was accused of. That is  
13 all I know. They are still being --  
14 they are still being investigated so  
15 that is why I don't know.

16 Q. Did you provide information  
17 to law enforcement?

18 A. Did I provide -- yeah.

19 Q. Okay.

20 Were you interviewed by  
21 anyone other than law enforcement?

22 A. No.

23 Q. Have you ever provided a --  
24 a statement, declaration, or  
25 affidavit relating to any kind of

1 M. KAPLAN

2 legal matter?

3 A. No.

4 Q. Have you ever provided a  
5 statement, declaration, or affidavit  
6 relating to this legal matter?

7 A. Not that I am aware of, no.

8 Q. Have you ever provided any  
9 kind of statement in any case  
10 involving Canal Productions or  
11 Robert De Niro?

12 A. No.

13 Q. Have you ever been charged  
14 or arrested in connection with a  
15 criminal offense?

16 A. No.

17 Q. You have never been  
18 convicted of a criminal offense?

19 A. No.

20 Q. Have you ever communicated  
21 with the police or anyone in law  
22 enforcement concerning Robert De  
23 Niro?

24 MR. DROGIN: Objection to  
25 the form. You can answer.



1 M. KAPLAN

2 A. No. I -- I communicated  
3 with the District Attorney's Office  
4 about -- about this case basically.

5 Q. Okay.

6 And when --

7 A. I was interviewed.

8 Q. When were you interviewed  
9 by the District Attorney's Office in  
10 connection with this case?

11 A. I honestly don't remember  
12 the exact date. It was sometime in  
13 2019. I think in the fall maybe, or  
14 late summer. But I don't know. I  
15 don't remember when exactly.

16 Q. Who did you speak to in the  
17 District Attorney's Office about Ms.  
18 Robinson?

19 A. I don't remember the name  
20 of the -- I spoke to two different  
21 agents, but I don't remember the --  
22 their name.

23 Q. Was one of them Kelly  
24 Thomas?

25 A. Yeah. That sounds -- I

1 M. KAPLAN

2 think so. That sounds familiar.

3 Q. Do you recall the name of  
4 the other person that you spoke to  
5 from the District Attorney's Office?

6 A. If you said it, I might  
7 recall it, but no, I don't recall  
8 it.

9 Q. How long did your meeting  
10 with the District Attorney's Office  
11 last?

12 A. I don't remember exactly  
13 how long, but I would say maybe an  
14 hour, hour and a half, something in  
15 that ballpark.

16 Q. Did you communicate with  
17 the District Attorney's Office on  
18 any other occasion other than that  
19 interview?

20 A. I believe there was some  
21 follow up -- there might have been a  
22 follow up e-mail that -- questions,  
23 but I don't think -- I only met with  
24 them once.

25 Q. What did you tell them

1 M. KAPLAN

2 during that meeting?

3 A. They asked -- I don't  
4 remember that specific, but they  
5 asked a series of questions  
6 regarding how the office functions,  
7 how money situations worked, things  
8 of that nature. But I don't  
9 remember like exactly what I told  
10 them specifically.

11 Q. What do you recall telling  
12 them about how the office  
13 functioned?

14 A. I mean, I literally don't  
15 remember anything that I said. It  
16 was three years ago. I don't  
17 remember the conversation, but I  
18 would have answered the questions  
19 just like I am going to do today  
20 about specific questions that they  
21 had.

22 Q. Do you recall any questions  
23 that they asked you about how the  
24 office operated?

25 A. I do -- I do not, no.

1 M. KAPLAN

2 Q. Is there anything that you  
3 remember at all from that interview?

4 A. I just remember going --  
5 no. I just remember speaking to  
6 them and talking about, you know,  
7 generally how Canal worked, and how  
8 the situation with the miles, and  
9 things of that nature. But I didn't  
10 -- I don't remember specific things  
11 I said or specifically what they  
12 asked me, no.

13 Q. Have you ever made false  
14 statements in connection with your  
15 work?

16 MR. DROGIN: Objection to  
17 the form.

18 A. I don't understand. What  
19 you do you mean by false statements  
20 in connection with my work?

21 Q. In connection with your  
22 work at Canal, have you ever made  
23 any statements that were untruthful?

24 MR. DROGIN: Objection to  
25 the form. You can answer.

1 M. KAPLAN

2 A. I don't know. Maybe. I  
3 have no idea. I have no idea. So  
4 sorry, I can't help you there. It  
5 is possible.

6 Q. It is possible that you  
7 have made statements?

8 A. I don't know what you mean  
9 by false statement, so I don't know.  
10 I mean, I don't -- I don't remember  
11 making any false statements, but I  
12 don't know what the definition of a  
13 false statement is in this case, so.

14 Q. Mr. Kaplan, let me just  
15 remind you that it is very important  
16 that I finish my question and you  
17 finish your answer. So if I am in  
18 the middle of speaking, just let me  
19 finish so that there is a clear  
20 record. Okay? I will give you the  
21 opportunity to say whatever you want  
22 to say. I just want to make sure it  
23 is clear for the court reporter.

24 Have you ever made  
25 statements that were untruthful in

1 M. KAPLAN

2 connection with your work at Canal?

3 MR. DROGIN: Objection to  
4 the form.

5 A. I don't know if I have ever  
6 made statements that are untruthful  
7 so -- in connection with Canal.

8 Q. It is possible that you  
9 have made statements that were  
10 untruthful in connection with your  
11 work at Canal, but you don't recall,  
12 is that correct?

13 MR. DROGIN: Objection to  
14 the form.

15 A. It is -- it is possible  
16 that in a -- it is possible that I  
17 could have exaggerated something or  
18 I could -- yeah. I could see  
19 something that would be considered  
20 technically false, but I wouldn't  
21 haven't outright lied anything about  
22 in connection with Canal. I think  
23 I'm just -- I'm not really sure what  
24 you are asking, but it is possible.  
25 Sure.

1 M. KAPLAN

2 Q. Have you ever made false  
3 statements to qualify for any public  
4 benefits?

5 A. No.

6 MR. DROGIN: Objection to  
7 the form.

8 Q. Have you ever made any  
9 statements that were untruthful to  
10 qualify for housing benefits?

11 MR. DROGIN: Objection to  
12 the form.

13 A. No, I have not. No.

14 Q. Have you ever been accused  
15 of making any kind of false or  
16 untruthful statements?

17 A. No.

18 Q. Have you ever been accused  
19 by anyone affiliated with Mr. De  
20 Niro or Canal of making any  
21 statements that were untruthful?

22 MR. DROGIN: Objection to  
23 the form.

24 A. With -- affiliated with  
25 Canal or by Mr. De Niro?

1 M. KAPLAN

2 Q. Anyone associated with Mr.  
3 De Niro or Canal?

4 MR. DROGIN: Objection to  
5 the form. You can answer.

6 A. I have not been accused by  
7 anybody who is officially associated  
8 with Canal of making false  
9 statements.

10 Q. Have you been accused by  
11 Tiffany Chen of making false  
12 statements?

13 MR. DROGIN: Objection to  
14 the form.

15 A. Yes, you can say that.

16 Q. What -- what did Ms. Chen  
17 accuse you of?

18 A. Ms. Chen accused me of --  
19 let's see, a variety of things, but  
20 mainly, stealing petty cash, and  
21 lying about -- a -- a lamp that I  
22 was supposed to -- got ordered.  
23 Lying about -- his father's art  
24 studio, a leak situation. And --  
25 I'm trying to keep track because,



1 M. KAPLAN

2 again, this is three years ago.

3 Trying to move on from that, but --

4 but yeah, things of that nature.

5 MR. DROGIN: Just let the

6 record reflect that Mr.

7 Kaplan is male.

8 THE WITNESS: I am.

9 MS. HARWIN: Counsel, you

10 can make objections on the

11 record, but you can't

12 interject information on the

13 record.

14 Q. Mr. Kaplan, have you done

15 anything to prepare for today's

16 deposition?

17 A. I spoke with the lawyers

18 for the Defendants present yesterday

19 just to go over sort of the

20 framework of what I could expect for

21 today.

22 Q. Okay.

23 A. But I haven't -- that is

24 about it.

25 Q. Which lawyers did you

1 M. KAPLAN

2 communicate with yesterday?

3 A. With Mr. Bennett, and Mr.  
4 Harvey, and Laurent.

5 Q. How long did you spend  
6 communicating with them?

7 A. About an hour or so. Hour  
8 and a half.

9 Q. Did you review any  
10 documents in preparation for your  
11 deposition?

12 A. Any documents, no.

13 Q. Were you presented with any  
14 documents to review?

15 A. I was presented with a  
16 couple of text messages that I have  
17 -- I have sent.

18 Q. Okay.  
19 What specific text messages  
20 did you review?

21 MR. DROGIN: Objection to  
22 the form.

23 Can you just clarify  
24 whether the witness was shown  
25 the documents?

1 M. KAPLAN

2 MS. HARWIN: I am asking  
3 which text messages he  
4 reviewed.

5 A. I was not shown.

6 MR. BENNETT: I think  
7 Laurent's point is something  
8 that should be clarified  
9 because one is a document,  
10 and one is the information  
11 that is conveyed by legal  
12 counsel to somebody else. So  
13 I think that should be asked.

14 MS. HARWIN: I am not --  
15 I am not following what the  
16 distinction is that you are  
17 drawing.

18 MR. DROGIN: We will  
19 represent to you that we did  
20 not show him any of the text  
21 messages that he is  
22 describing.

23 MS. HARWIN: Okay.

24 Q. So Mr. Kaplan, what text  
25 messages did you review?

1 M. KAPLAN

2 A. I was told that I had sent  
3 some text messages where I used the  
4 word -- like the words that we were  
5 trying to humiliate Chase, and I  
6 said something about a random  
7 number, things of that nature. But  
8 yeah, I didn't see them specifically  
9 if that is what you are talking  
10 about. But I did -- I did hear,  
11 just to prepare myself mentally that  
12 this is the type of thing that you  
13 are going to probably be bringing  
14 up, so --

15 Q. Were there any other topics  
16 that you prepared yourself mentally  
17 for us to bring up today?

18 MR. BENNETT: Objection.  
19 Don't reveal any privileged  
20 information that you  
21 discussed with counsel.

22 MS. HARWIN: Counsel, Mr.  
23 Kaplan has already testified  
24 that he is not represented by  
25 counsel in connection with

1 M. KAPLAN

2 this deposition.

3 MR. BENNETT: As a former  
4 employee of Canal, we are --  
5 we are entitled to make  
6 objections on behalf of Canal  
7 employees whether former or  
8 present. That is what I am  
9 doing.

10 MS. HARWIN: You are  
11 entitled to make objections,  
12 but there is no privileged  
13 relationship as far as I  
14 understand.

15 Q. So Mr. --

16 MR. DROGIN: I don't  
17 believe that is -- I don't  
18 believe that is correct.  
19 This is a Canal employee who  
20 has met with Canal's counsel.

21 Q. Mr. Kaplan, are you  
22 presently employed by Canal?

23 A. I'm not -- I am presently  
24 -- I still do work for Canal as far  
25 as like on a consulting basis. I am

1 M. KAPLAN

2 still on the benefit plan, but I am  
3 not -- I am not on a regular -- like  
4 a 1099 or W-2 relationship at the  
5 moment.

6 Q. When did your full-time  
7 employment at Canal end?

8 A. In April, I believe, of  
9 2020.

10 Q. And what were the  
11 circumstances that led to the end of  
12 your full-time employment at Canal?

13 A. My full-time employment  
14 ended when -- well, we had had a --  
15 the circumstances officially were  
16 that there was a pandemic, as you  
17 are aware, and there was no office  
18 or anything to go to. So I went on  
19 the furlough -- I was furloughed  
20 officially. But yeah, if you are  
21 getting at before that, I had --  
22 Tiffany and I butted heads on some  
23 things, and I was -- I wasn't  
24 officially -- I still worked for  
25 Canal though up until the pandemic,

1 M. KAPLAN

2 so there was -- I was looking to  
3 leave but I hadn't -- I hadn't -- I  
4 hadn't left Canal when the pandemic  
5 started, but we had discussed -- I  
6 had discussed with Bob -- it was  
7 basically brought to -- you know, it  
8 was going to be best for everybody  
9 if I left. So I was probably going  
10 to leave that summer, or early  
11 spring, or like May, or so, but we  
12 never got to that point because of  
13 the pandemic.

14 Q. Mr. De Niro asked you to  
15 leave your employment, is that  
16 correct?

17 A. Yes. In -- I believe in  
18 January of 2020.

19 Q. And did Mr. De Niro explain  
20 to you why he wanted you to leave  
21 your employment?

22 A. Well, I mean, in so many  
23 words it was -- it was both myself  
24 and -- Tiffany did not want us  
25 working there. We had a meeting

1 M. KAPLAN

2 earlier about this, I believe, I  
3 want so say October -- no. It was  
4 later than that. November or  
5 December of 2019. I don't remember  
6 the date, but we had had a meeting  
7 and after the meeting I -- it seemed  
8 like I was going to be around for a  
9 bit, but then I am gathering, I am  
10 speculating that she just sort of  
11 impressed upon him that she wanted  
12 me out. So we talked, and he sort  
13 of conveyed to me that he was going  
14 to move on eventually. We had hired  
15 somebody new in the office and they  
16 would eventually be doing my duties,  
17 but that it wasn't like a -- there  
18 was no like end date officially, but  
19 just to start, you know -- you know,  
20 start moving towards that direction.

21 Q. You continue to be on a  
22 benefit plan administered by Canal  
23 Productions, is that right?

24 A. Not at the moment. At the  
25 moment I am not anymore. But I mean



1 M. KAPLAN

2 I am on the -- I was for the -- for  
3 the entire time I was on  
4 unemployment. I was like furloughed  
5 so -- yeah. So I was on the benefit  
6 plan.

7 Q. Did -- did there come a  
8 time when you ceased to be on any  
9 Canal benefits?

10 A. No, because now I am on the  
11 Cobra plan.

12 Q. Cobra?

13 A. Yes.

14 Q. Okay.

15 When did -- well, let me  
16 ask a separate question.

17 Are you currently employed?

18 A. No. Currently I am doing  
19 some, like I said, some freelance  
20 consulting type work with Canal. I  
21 do a podcast, I do some standup  
22 comedy, and I am a stay-at-home dad.  
23 That is my primary employment at the  
24 moment.

25 Q. How much income do you

1 M. KAPLAN

2 receive from Canal for your  
3 consulting work?

4 A. It is hourly so it really  
5 depends. It is -- I am doing work  
6 with a project it is -- involving  
7 Texas, an event they are doing in  
8 Texas. And I still -- things have  
9 come up, questions. If there is a  
10 question for me I answer it. So it  
11 depends. So months -- there was  
12 some months where it is only a few  
13 hours. There is some months where  
14 it is 50 hours. It just depended on  
15 -- it depends on what is going on.  
16 I was doing some work with Robin at  
17 some point. I was doing some work  
18 with the new people in the office to  
19 show them things, art related, to  
20 his father's artwork, things of that  
21 nature. But I don't anticipate it  
22 being, you know, much longer, but I  
23 don't -- who knows.

24 Q. Do you get compensated for  
25 time that you are here being

1 M. KAPLAN

2 deposed?

3 A. I don't think so. But if  
4 they want to pay me -- I am just  
5 kidding. No.

6 Q. Have you ever been  
7 compensated for any time that you  
8 have spent in communication with  
9 Canal's lawyers?

10 A. No.

11 Q. When did you first come to  
12 work for Canal?

13 A. I started to work for Canal  
14 in -- part-time basis in 2003,  
15 February. And I worked a full-time  
16 basis in, I believe, 2006, January  
17 or so.

18 Q. What was your educational  
19 background prior to joining Canal?

20 A. I went to Syracuse  
21 University, and I have a  
22 television/radio/film degree, New  
23 House School of Communications. Go  
24 Orange. And I -- that is it.  
25 Bachelor's.

1 M. KAPLAN

2 Q. What -- what was your role  
3 at Canal when you were employed  
4 there?

5 A. In the beginning you mean  
6 or --

7 MR. DROGIN: Objection to  
8 the form.

9 Q. Did your role change during  
10 the course of your employment at  
11 Canal?

12 A. Yeah. It changed a little  
13 bit. I started mainly helping with  
14 storage, helping somebody else who  
15 was in the office with organizing  
16 things with storage, running  
17 errands. Over time I started to do  
18 -- we would work with all the  
19 properties that he owned as far as  
20 if they needed maintenance or  
21 someone to sit there and supervise.  
22 We did -- the storage project turned  
23 into what ended up becoming like the  
24 archiving project for stuff that  
25 ended up going to the University of

1 M. KAPLAN

2 Texas. And then -- and then over  
3 time I started to doing more and  
4 more work with his father's artwork  
5 as far as showing people the studio,  
6 organizing the things that we had in  
7 storage, or if anything came up with  
8 the artwork. And from the beginning  
9 pretty much I would also videotape  
10 like birthday parties and things of  
11 that nature for him, holiday  
12 parties, take pictures.

13 Can I have one moment just  
14 to refill my coffee?

15 Q. Absolutely. Let's take a  
16 break.

17 MS. HARWIN: We can go  
18 off the record.

19 Could the videographer  
20 take us off the record?

21 THE VIDEOGRAPHER: Sorry.

22 The time is 9:37 a.m. We are  
23 going off the record.

24 (Whereupon, a recess was  
25 taken at this time.)

1 M. KAPLAN

2 THE VIDEOGRAPHER: The  
3 time is now 9:38 a.m. We are  
4 back on the record.

5 Q. Mr. Kaplan, what titles did  
6 you hold during your employment at  
7 Canal?

8 A. I never -- honestly like  
9 titles, I never really -- I was an  
10 assistant -- you know, I don't -- I  
11 don't really know. I didn't really  
12 have a title. I was an assistant to  
13 Mr. De Niro, sort of a  
14 jack-of-all-trades, sort of -- but I  
15 didn't have a title. I did a bunch  
16 of different things, but any title  
17 that was used would have been more  
18 of a joking matter.

19 Q. What titles did you use as  
20 a joke to characterize your  
21 employment at Canal?

22 A. We called it super places  
23 because I was at the -- the [REDACTED]  
24 [REDACTED] property would be very  
25 secretive. He would be very

1 M. KAPLAN

2 secretive about it. Secret places  
3 administrator. Secret -- at one  
4 point Michael Weber had a title that  
5 he was president of awesome or  
6 something. I was assistant awesome  
7 to -- I can't think of a title that  
8 wasn't a joke. So that is --

9 Q. Did you characterize  
10 yourself as secret project manager?

11 A. At some point, possibly.

12 Q. Okay.

13 A. That might have been a  
14 LinkedIn or something at some point.

15 Q. And what duties did you  
16 perform for Mr. De Niro that led you  
17 to characterize yourself as a secret  
18 projects manager for Canal?

19 A. It was more of a -- because  
20 he had -- he has his office located  
21 in Tribeca, and around the block is  
22 an apartment that we would sort of  
23 work out of with archiving stuff.  
24 And for a long time he was very  
25 secretive about keeping certain

1 M. KAPLAN

2 things there. It wasn't really a  
3 logical reason for this, but that is  
4 just how he was. So it was kind of  
5 a joke that we would go to secret  
6 places and take things to secret  
7 places, so secret places -- whatever  
8 I said. But it was literally just  
9 like movie props, movie -- movie  
10 scripts, um, photos, old photos,  
11 things of that nature.

12 Q. Did -- did there come a  
13 time when you characterized yourself  
14 as the SVP secret ops for Canal?

15 A. Probably, yes. Because  
16 everybody -- that might be more  
17 towards the later year because as I  
18 think -- I think it was a joke that  
19 like Netflix or some company. I  
20 think they had like 7,000 senior  
21 vice presidents so I thought we  
22 should have some.

23 Q. And what -- what role did  
24 you -- let me restate that question.

25 What duties did you perform



1 M. KAPLAN

2 for Mr. De Niro that -- that led you  
3 to characterize yourself as SVP  
4 secret ops for Canal?

5 A. Again, it is the same  
6 thing. It is literally -- it is  
7 photos, it is -- it is old home  
8 movies, it is just anything that he  
9 kept. Weird chotskies that he would  
10 keep over in -- they would pick up  
11 from places. Calendars that he made  
12 for -- you know, just like personal  
13 stuff that we would sort of oversee.  
14 But it was not a -- it was not a day  
15 where things got secreter [sic] so  
16 it just was what it was.

17 Q. Did you assist Mr. De Niro  
18 with respect to any of his divorce  
19 proceedings?

20 A. With his divorce  
21 proceedings? Um, yes. I helped  
22 with -- I did -- I don't remember  
23 specifically what we did, but yeah,  
24 things with like looking up --  
25 helping with -- I helped find an

1 M. KAPLAN

2 [REDACTED]

3 that was the name. Yeah. I think

4 [REDACTED]

5 [REDACTED]

6 I think Bob had -- you know, it was  
7 like helping him find something that  
8 he had sent to himself. Things like  
9 that. That is the one that stands  
10 out. That is something that I  
11 remember vividly telling Chase about  
12 because it was the day before I  
13 almost dropped dead so anyway.

14 Q. Do you recall any other  
15 project that you worked on with Mr.  
16 De Niro that he wanted to keep a  
17 secret?

18 MR. BENNETT: Objection.

19 You can answer.

20 A. Any projects that he wanted  
21 to keep secret? Off the top of my  
22 head I don't really remember what --  
23 what -- what was actually secret or  
24 what wasn't, but no -- so --

25 Q. Have you ever signed any

1 M. KAPLAN

2 kind of formal employment agreement  
3 with Canal?

4 A. What do you mean by that?

5 Q. Have you ever had a  
6 contract for employment with Canal?

7 A. No.

8 Q. Have you ever signed a  
9 confidentiality agreement with Canal  
10 like a nondisclosure agreement?

11 A. I have signed --- I have  
12 signed nondisclosure for specific  
13 family functions, where there was  
14 nondisclosure agreements for staff  
15 members. But I have not as an  
16 overall, no. Not for a time  
17 certain.

18 Q. What specific events did  
19 you sign nondisclosures for?

20 A. I remember when there was  
21 like some holiday parties or  
22 birthday parties where there would  
23 be -- it would be agreements to get  
24 the staff to sign, like the DJ or  
25 whatever. There was one -- I think

1 M. KAPLAN

2 his birthday party. There was once

3 -- I think the 70th birthday party

4 where I think there might have been

5 one -- might have been one I signed.

6 I actually don't remember to be

7 honest. But I know that I -- I know

8 I signed it at one point, but I

9 don't remember which event. So

10 clearly it is not very binding if I

11 don't remember.

12 Q. At this deposition today,

13 you are not permitted to withhold

14 information based on any

15 nondisclosure agreement that you

16 have signed.

17 Do you understand that?

18 A. Yes.

19 Q. When you were working at

20 Canal, did you have any other forms

21 of employment?

22 A. Yeah. Yes. In the

23 beginning I worked also at Fair

24 Trial Publications in the IT

25 department. That was for the first

1 M. KAPLAN

2 three -- three years or so and then  
3 -- other than that, no.

4 Q. Did you do any other kind  
5 of work during your employment at  
6 Canal?

7 MR. DROGIN: Objection to  
8 the form.

9 A. Not -- no. Not that I was  
10 paid for.

11 Q. Okay.  
12 Did you do any kind of work  
13 that you weren't paid for during  
14 your employment with Canal?

15 MR. DROGIN: Objection to  
16 the form. Just a second.  
17 Objection to the form. Go  
18 ahead.

19 A. I mean, I worked -- I did  
20 like a podcast, you know, if that is  
21 what you are -- I don't know if that  
22 is what you are asking. But that  
23 wasn't something I was making money  
24 on at the time.

25 Q. And what was the podcast

1 M. KAPLAN

2 that you hosted during your  
3 employment with Canal?

4 A. It is called Lost in  
5 America.

6 Q. And how many hours a week  
7 would you spend on that podcast?

8 A. It was a one hour -- a one  
9 hour a week podcast.

10 Q. Did you spend any other  
11 time preparing for the podcast?

12 A. Yeah, probably about --  
13 like say another hour preparing for  
14 each episode or so. So that is two  
15 hours, and maybe some time sharing  
16 things on social media. So maybe  
17 that will get us up to three hours  
18 perhaps.

19 Q. Okay.

20 And during -- let me  
21 restate that.

22 Did you do work in  
23 connection with your podcast during  
24 working hours?

25 A. Not very often, but

1 M. KAPLAN

2 probably sometimes. It depended on  
3 -- you know, I don't know what you  
4 mean about working hours because we  
5 had -- you were always working sort  
6 of kind of mentality. During the  
7 9:00 to 5:00 if that is what you  
8 mean. Usually not, usually we  
9 recorded after 5:00. But there  
10 probably were some examples just  
11 because of our guests or whatever we  
12 would record during the day back  
13 when we did things in person.

14 Q. During your employment at  
15 Canal, how closely did you work with  
16 Mr. De Niro?

17 MR. DROGIN: Objection to  
18 the form.

19 A. I -- I don't know what you  
20 mean by closely. But I -- I worked  
21 -- I would -- we had -- one of the  
22 other things that I didn't mention  
23 earlier was I would go to a lot of  
24 events with him so that would be the  
25 time I would see him the most.

1 M. KAPLAN

2 Other than that, I didn't really  
3 work that closely with him. He was  
4 -- we did things for him, but, you  
5 know. I -- I wasn't like -- I don't  
6 know what you mean by closely. But  
7 we didn't speak that often.

8 Q. How often did you  
9 communicate with Mr. De Niro?

10 MR. DROGIN: Objection to  
11 the form. You can answer.

12 A. It just depended. It  
13 depended on what was going on. That  
14 was the type of job it was. So if  
15 he need -- if there was a specific  
16 thing that you know I would -- it  
17 was like if I had to get a bike seat  
18 for his daughter, and it had to be  
19 designed then during that time  
20 period I would communicate with him  
21 a lot because we were going back and  
22 forth on everything. If there was a  
23 specific thing with his phone, or if  
24 it was a specific thing I was  
25 communicating with him a lot, but if



1 M. KAPLAN

2 there wasn't, then I wouldn't talk  
3 to him a lot because I didn't -- I  
4 didn't regularly have like a -- a  
5 daily reason to talk to him.

6 Q. Okay.

7 Mr. De Niro would tell you  
8 what he needed done and you would do  
9 it, is that correct?

10 A. That -- that is -- yeah.  
11 Definitely.

12 Q. During your employment at  
13 Canal, Mr. De Niro was the person  
14 you considered to be your boss, is  
15 that correct?

16 MR. DROGIN: Objection to  
17 the form.

18 A. Yes. I would consider him  
19 my boss.

20 Q. During your employment at  
21 Canal, what was your role with  
22 respect to petty cash?

23 A. When I started at the  
24 office there was -- I had nothing to  
25 do with petty cash, but after

1 M. KAPLAN

2 Michael Weber left, I started to be  
3 the person to tabulate the petty  
4 cash each time it would be finished  
5 and send it to the accountants. It  
6 was started -- before it was Berdon,  
7 it was a different -- it was a  
8 different accounting firm, but -- so  
9 that was my -- I wasn't in charge of  
10 -- I wasn't in charge of reimbursing  
11 anybody else, but I would tabulate  
12 everybody's receipts, make sure we  
13 were relatively even, and then send  
14 the breakdowns. I would do  
15 breakdowns of what we spent on  
16 meals, and transportation, and  
17 office supplies, and tips, stuff  
18 like that, and send it off to them.

19 Q. What were the years when  
20 you were in charge of reviewing and  
21 tabulating petty cash for Canal?

22 A. I believe probably starting  
23 in 2009 or 2010, up to 2019.

24 Q. What were the different  
25 types of petty cash used at Canal?

1 M. KAPLAN

2 A. What do you mean?

3 Q. Were there different --  
4 were there different categories of  
5 petty cash at Canal?

6 A. You mean do we get cash for  
7 different reasons or -- I don't  
8 understand.

9 Q. Yes.  
10 Were there -- thank you for  
11 asking for clarification.  
12 Were there different  
13 categorizations of the type of petty  
14 cash that were used by Canal?  
15 A. Not -- I don't -- my way of  
16 understanding it, I am not a  
17 financial person, was it didn't  
18 matter to the accountant, because to  
19 them it was petty cash. There was  
20 different types in the sense that  
21 there was petty cash that went  
22 directly to Bob or directly money  
23 to, you know give him or his family.  
24 There was petty -- there was a petty  
25 cash that came to the office, which

1 M. KAPLAN

2 was the only petty cash I had  
3 anything to do with. And there was  
4 petty cash for specific events  
5 sometimes, a party or something, or  
6 -- and -- the cases of the apartment  
7 later, that sometimes I did actually  
8 deal directly with. Sometimes Chase  
9 or -- if it was a party, we might --  
10 there might be a time that he gave  
11 the cash to Bob's wife to give the  
12 kids or something, but, yeah in most  
13 cases it was the office petty cash.  
14 It was just the office petty cash.  
15 It wasn't really differentiating.

16 Q. During the period where you  
17 were in charge of the office petty  
18 cash, you received petty cash sheets  
19 for all Canal employees, is that  
20 right?

21 A. No. Um, I wasn't in charge  
22 of the petty cash. That is not how  
23 I would categorize it. I was the --  
24 I would sort of -- I would sort of  
25 -- I would tabulate -- I would

1 M. KAPLAN  
2 receive them at the end, yes. But  
3 they would -- when we had the sheet  
4 system -- the way I remember it is  
5 the people in the office would  
6 usually go to Chase to get  
7 reimbursed with their sheets and  
8 then she would give them to me or --  
9 it depends. If she was not in town,  
10 she might say reimburse them, and I  
11 would reimburse them. Because we  
12 had the money in a safe, but -- and  
13 then -- and then Chase would give me  
14 her sheet, she would reimburse  
15 herself, and she would give me her  
16 sheet, and I would punch all the  
17 numbers into the spreadsheet along  
18 with my own, and that is how we got  
19 the totals. It was not, you know, I  
20 don't know. I guess it wasn't -- it  
21 wasn't the most -- I don't know what  
22 the word is system. But that is how  
23 it was.

24 Q. During the period where you  
25 were in charge of reviewing and

1 M. KAPLAN

2 tabulating the petty cash  
3 submissions, you received petty cash  
4 sheets for all Canal employees, is  
5 that right?

6 MR. DROGIN: Objection to  
7 the form.

8 A. I would eventually see them  
9 all, yes. All the forms. All the  
10 sheets.

11 Q. Ms. Robinson submitted her  
12 petty cash sheets to you, is that  
13 correct?

14 A. She did, but it wasn't -- I  
15 would see her forms, yes. But it  
16 was, like I said, she was -- I  
17 didn't give her them. We didn't --  
18 it wasn't like I said you authorize  
19 this, you authorize it. She gave me  
20 the forms afterwards and I would put  
21 them in.

22 Q. Ms. Robinson would submit  
23 her petty cash sheets to you,  
24 correct?

25 MR. DROGIN: Objection to

1 M. KAPLAN

2 the form. You can answer.

3 A. Again, yes. I would see  
4 her petty cash sheets, yes. But  
5 there was no -- nothing to do with  
6 exchange of money, I just saw her  
7 forms.

8 Q. I am asking a question  
9 about the sheets. Okay?

10 A. Yes.

11 Q. So I just want to get a  
12 clear answer on that.

13 Ms. Robinson submitted her  
14 petty cash sheets to you, correct?

15 MR. BENNETT: Objection  
16 to the form. He answered the  
17 question. You are now trying  
18 to mislead the witness. He  
19 explained to you.

20 MS. HARWIN: Counsel, no  
21 speaking objection.

22 MR. DROGIN: It is not a  
23 speaking objection. You are  
24 trying to get the witness to  
25 agree with you on something

1 M. KAPLAN

2 he has already explained that  
3 is different from the words  
4 you are trying to put in his  
5 mouth.

6 MS. HARWIN: Counsel, it  
7 is an inappropriate speaking  
8 objection. Please.

9 MR. DROGIN: I am not  
10 making a speaking objection.  
11 I am objecting to the fact  
12 that you are attempting to  
13 mislead the witness.

14 MS. HARWIN: Counsel,  
15 please stop.

16 Q. Mr. Kaplan --

17 MR. DROGIN: Objection to  
18 the form.

19 Q. Ms. Robinson submitted her  
20 petty cash sheets to you, is that  
21 correct?

22 MR. DROGIN: Objection --  
23 objection to the form.

24 A. She submitted -- she  
25 e-mailed her forms to me after she



1 M. KAPLAN

2 had already reimbursed herself, yes.

3 Q. Okay.

4 For what types of expenses  
5 would employees be eligible to use  
6 petty cash for or to obtain  
7 reimbursement for petty cash?

8 MR. DROGIN: Objection to  
9 the form. Are you talking  
10 about every employee since  
11 2003? That is my objection.  
12 Go ahead and answer it.

13 Q. Let me restate the  
14 question.

15 During the period when you  
16 were in charge of reviewing and  
17 tabulating Canal's petty cash --

18 MR. DROGIN: Objection to  
19 the form. You are misstating  
20 what the witness has said.

21 MS. HARWIN: You can  
22 state the objection, but not  
23 while I am in the middle of  
24 question. Okay, counsel?

25 Q. Mr. Kaplan, during the

1 M. KAPLAN

2 period when you were in charge of  
3 reviewing and tabulating Canal's  
4 petty cash sheets, what types of  
5 expenses were Canal employees  
6 eligible to use petty cash for or to  
7 obtain reimbursement from petty  
8 cash?

9 MR. DROGIN: Objection to  
10 the form of the question.

11 A. Am I supposed to speak?

12 Q. Yes.

13 MR. DROGIN: You can  
14 answer to the extent that you  
15 understand it. If you want  
16 to hear it read back, you can  
17 ask to have it read back.

18 You can clarify --

19 (Simultaneous speaking)

20 A. My understanding is while  
21 the time I worked there employees  
22 would be okay to get reimbursed for  
23 travel expenses as far as to work,  
24 like to -- subway fare, MTA cards,  
25 taxis, if it was, you know, working

1 M. KAPLAN  
2 late, or running an errand with --  
3 or it was time -- it made sense  
4 time-wise or carrying something  
5 valuable, or if Bob needed to reach  
6 you and you needed to have your cell  
7 phone, you know be on the phone.  
8 And then lunches we would be  
9 reimbursed for, and coffees during  
10 the day. And if it was like working  
11 late, or like a weekend, you can be  
12 reimbursed for your meals, but it  
13 was not -- it wasn't really a  
14 spelled out thing by anybody so I  
15 can't speak for any official policy.  
16 That was just the way that I  
17 understood it. But it was not  
18 applied to -- I would say the  
19 assistants in the office, they --  
20 they -- they -- how it was explained  
21 to them, through Chase, would be  
22 more literally like they had to get  
23 her approval to sign off on  
24 anything. So they didn't -- you  
25 know, it was like -- they probably

1 M. KAPLAN

2 didn't expense as many things -- it  
3 wasn't as much as -- as the way I  
4 just described it, it sounds like it  
5 could be more than I think it was.

6 Q. The same categories that  
7 you just described as authorized  
8 uses of petty cash, were also  
9 categories of charges that were  
10 approved to be put on Canal's credit  
11 card, is that correct?

12 MR. DROGIN: Objection to  
13 the form.

14 A. The -- the only things that  
15 were approved to go on Canal's  
16 credit card -- Canal's credit cards  
17 were -- the only things that were  
18 approved would be like business --  
19 the lunches. The office would go to  
20 lunches, it would be Caviar usually  
21 towards the end. The old fashioned  
22 phone calls and putting your credit  
23 card number down on Chase's credit  
24 card. But that was just because she  
25 -- her credit card, she wanted it to

1 M. KAPLAN

2 be for business expenses. My credit  
3 card was for Bob's personal  
4 expenses. So my credit card  
5 wouldn't be those things, and I  
6 didn't use it for those things other  
7 than if I had to because I didn't  
8 have cash or there had to be a  
9 reason. But yeah. Those were --  
10 that is the only thing that would be  
11 on the Canal credit card from the  
12 office.

13 Q. The Canal credit card under  
14 your name was used primarily for  
15 personal expenses for Mr. De Niro,  
16 is that correct?

17 A. It was used -- that was the  
18 split. I don't remember the --  
19 Chase wanted it to be that way.  
20 That was her -- she wanted to have a  
21 split so that all the business  
22 expenses would be on her card, yeah,  
23 and the all personal ones would be  
24 on my card.

25 Q. So off -- so let me restate

1 M. KAPLAN

2 that.

3 Expenses that were for the  
4 Canal office would be put on the  
5 Canal credit card under Ms.  
6 Robinson' name, is that correct?

7 A. Expenses that were for the  
8 -- if -- if they were things that  
9 were considered business expenses,  
10 like things -- yeah, if it was like  
11 a printer for the office, or  
12 something like that nature, then  
13 yes. Or if it was the lunch --  
14 lunch was -- I don't remember  
15 exactly -- you know, if it was like  
16 putting -- if the De Niro family was  
17 going on a trip somewhere, that  
18 would go on my credit card.

19 Q. And if it was working meals  
20 for Canal employees, that would go  
21 on the credit card under Ms.  
22 Robinson's name, correct?

23 A. Only lunches because nobody  
24 else had -- they didn't have -- they  
25 didn't physically have the card, so

1 M. KAPLAN

2 yeah. It would -- they could order  
3 lunches on her -- on her card, the  
4 lunches. But nobody had the card so  
5 they wouldn't be -- if somebody was  
6 working late or taking a taxi  
7 somewhere, they would have to get  
8 reimbursed through petty cash  
9 because they didn't have access. We  
10 didn't have like an Uber or anything  
11 like that for the company at the  
12 time, so it was all old fashioned  
13 getting a taxi or getting an Uber  
14 yourself and getting reimbursed.

15 Q. The card number and  
16 credentials for the Canal American  
17 Express under Ms. Robinson's name  
18 were saved as a contact for Canal  
19 employees, correct?

20 A. You mean the contacts like  
21 in the -- in the Canal contacts?

22 Q. Yes.

23 A. I think so. I don't know  
24 if it is accurate because that  
25 contact thing has -- if you went on

1 M. KAPLAN  
2 it right now, I am sure you would  
3 see Bob's credit card from 1999 on  
4 there, so I don't know if it was up  
5 to date. Yeah, theoretically, it is  
6 the contacts. But I don't know -- I  
7 can't be sure because card numbers  
8 change over time so --

9 Q. There was a contact called  
10 AMEX credit card that provided the  
11 card number and credentials to all  
12 Canal's employees for the Canal's  
13 American Express were under Ms.  
14 Robinson's name, correct?

15 MR. DROGIN: Objection to  
16 the form. You can answer.

17 A. I don't know honestly. I  
18 mean, maybe. I think probably there  
19 was an AMEX contact. I don't know.  
20 It probably had my name and it  
21 probably had Chase's name and the  
22 card numbers. But I don't -- I'm  
23 not positive it had all that  
24 information.

25 Q. You don't have any basis to



1 M. KAPLAN  
2 dispute that there was a contact  
3 provided to Canal employees that  
4 contained the card number and  
5 credentials for the credit cards  
6 under Ms. Robinson's name and under  
7 your name, correct?

8 MR. DROGIN: Objection to  
9 the form. Asking the witness  
10 to prove a negative.

11 A. No, I don't -- I believe it  
12 was in the contacts, but I just  
13 don't know. Like I said, I don't  
14 know how up to date it is I guess.

15 Q. A scan of the front and  
16 back of the American Express card  
17 under Ms. Robinson's name was also  
18 provided to people who worked in  
19 Canal's office, correct?

20 A. I don't -- I don't  
21 remember. I never saw a scan.  
22 There would be a scan of my card  
23 because they would use it for like  
24 hotel stuff for Bob, but I don't  
25 remember -- I don't remember if

1 M. KAPLAN

2 there was or not.

3 Q. Okay.

4 So you don't remember  
5 either way, whether there was a scan  
6 of the American Express card in Ms.  
7 Robinson's name provided to Canal  
8 office staff?

9 MR. DROGIN: Objection to  
10 the form. Mischaracterizes  
11 the witness' testimony.

12 A. Yeah, I don't remember if  
13 there was a scan. I know that --  
14 like I said, that they had access to  
15 the Caviar account, and that is what  
16 they used the card for, and they  
17 would use it for the Amazon card,  
18 things of that nature. But I don't  
19 know how much -- I don't know how  
20 much access they had otherwise.

21 Q. And from time to time Ms.  
22 Robinson would lend the physical  
23 card to Canal employees -- actually,  
24 let me restate that.

25 A. Not to my knowledge, no.

1 M. KAPLAN

2 Q. Do you -- let me -- let me  
3 restate that.

4 Do you recall either way  
5 whether Ms. Robinson would lend the  
6 physical card under her name to  
7 Canal employees from time to time?

8 A. I don't think she ever did  
9 to be honest. I mean, look, this is  
10 the type of thing where I would lend  
11 my card to her because when  
12 Christmas time would come up, and  
13 that is personal shopping so she  
14 would want to have my card. This  
15 office could be a very inefficient  
16 operation sometimes. And one of the  
17 times would be during -- when she  
18 would physically have two cards with  
19 her, and nobody else had a card to  
20 buy actual things they needed to buy  
21 for Bob. So I don't think -- I  
22 don't think she gave -- maybe it is  
23 possible, but I don't remember her  
24 ever giving her credit card to  
25 anybody. I never had it that I can

1 M. KAPLAN

2 remember. Maybe for short term, but  
3 not very often.

4 Q. Do you recall Ms. Robinson  
5 ever lending the physical card under  
6 her name to another Canal employee  
7 for short-term use, for a specific  
8 purchase?

9 MR. DROGIN: Objection to  
10 the form. You can answer.

11 A. I don't remember, no. I  
12 don't recall that.

13 Q. The credit card in Ms.  
14 Robinson's name was on file for  
15 various businesses, is that correct?

16 A. It was on file, like I  
17 said, for Amazon, for the FedEx  
18 bill, for Caviar. I don't know what  
19 else. Most of the stuff that I did  
20 would -- was -- I -- I would use my  
21 own card or -- I didn't -- I don't  
22 know exactly what else they would  
23 possibly have the card for, but --

24 Q. Do you recall any other  
25 places that the Canal credit card

1 M. KAPLAN

2 under Ms. Robinson's name was on  
3 file at?

4 A. No. Maybe the pharmacy,  
5 but that might have been -- I think  
6 that was my card, so no.

7 Q. Do you have pictures of the  
8 Canal credit card in Ms. Robinson's  
9 name on your phone?

10 A. I don't think so. So I --  
11 I don't believe so, no. Look, I  
12 don't want to say never because it  
13 is possible there was a reason for a  
14 specific reason at some point that I  
15 can't remember. But, you know, we  
16 would try to -- she would try to  
17 keep this perfect business/personal  
18 thing. It didn't always work  
19 because sometimes you didn't have a  
20 -- you know to get -- you know what?  
21 I am going to correct something. I  
22 do remember especially because her  
23 name was actually on the card  
24 Graham, it was a neutral name, she  
25 would give it sometimes to go to

1 M. KAPLAN  
2 like the Apple store because she  
3 wanted it to be on her card because  
4 that was a business thing, and often  
5 I would be putting stuff on my card  
6 for the office type things. But  
7 that is the only thing I can think  
8 of.

9 MR. DROGIN: Can we take  
10 a five-minute break at some  
11 point?

12 MS. HARWIN: Sure.  
13 Actually, this is a fine time  
14 to take a five-minute break.  
15 We can go off the record.

16 THE VIDEOGRAPHER: The  
17 time is 10:10, and we are off  
18 the record.

19 (Whereupon, a recess was  
20 taken at this time.)

21 THE VIDEOGRAPHER: The  
22 time is now 10:20 a.m. We  
23 are back on the record.

24 Q. During the period from 2009  
25 to 2019, describe for me what your

1 M. KAPLAN

2 process of reviewing petty cash  
3 sheets entailed?

4 A. There was -- I mean, Chase  
5 reviewed the petty cash sheets from  
6 the employees in the office, and, I  
7 mean, Chase -- there was no real  
8 process because Chase was basically  
9 in charge of the finances, and she,  
10 you know, she expensed for herself  
11 that was -- that was just, you know,  
12 how it was. And I -- I -- the  
13 people -- the other people in the  
14 office usually she reimbursed them,  
15 sometimes I would reimburse them.  
16 But their sheets were always very  
17 simple. Meals, you know, you would  
18 see the things. It wasn't that  
19 complicated, and they would always  
20 note what things were for, and --  
21 yeah. So it wasn't that complicated  
22 of a process because it -- in the  
23 grand scheme of how much money was  
24 being spent on the credit cards, you  
25 know, the petty cash was a lot of

1 M. KAPLAN

2 money, but it didn't seem like it  
3 was -- you know, we spent -- the  
4 office spent a lot more money on the  
5 credit cards than the petty cash so  
6 it wasn't a main focus.

7 Q. When you received petty  
8 cash sheets and receipts from Canal  
9 employees, what did you do to review  
10 those submissions?

11 MR. DROGIN: Objection to  
12 the form. The witness has  
13 already explained that.

14 A. Yeah. I did -- I didn't do  
15 anything other than I took the  
16 receipts and I put them together  
17 because they had already been  
18 reviewed. Chase had reviewed them  
19 from other employees, so I was  
20 taking hers, theirs, everyone's,  
21 putting them together into  
22 categories, that I don't know where  
23 they went. They went to the  
24 accountant, and I don't know what  
25 their process is once they got it,



1 M. KAPLAN

2 but that is far as I went as far as  
3 reviewing things. I would ask  
4 questions when I didn't know what a  
5 certain thing like, you know, we  
6 bought blah-blah blah, but why did  
7 we buy blah-blah blah. Mostly it  
8 was a gift for someone, is this a  
9 professional gift or is this like a  
10 research for Bob for a movie role,  
11 like a book. But other than that, I  
12 didn't -- it was more of just making  
13 sure. And then if the petty cash  
14 was off, it was trying to figure out  
15 like are we missing a receipt for  
16 something. That was mostly my  
17 concern.

18 Q. When you received petty  
19 cash spreadsheets, you would review  
20 the expenses that were on the  
21 spreadsheets, correct?

22 MR. DROGIN: Objection to  
23 the form.

24 A. I --

25 MR. DROGIN: For the

1 M. KAPLAN

2 fourth time -- for the  
3 fourth time you are  
4 mischaracterizing the  
5 witness' testimony.

6 MS. HARWIN: I am asking  
7 a question. I am not  
8 characterizing anything, and  
9 please refrain from the  
10 speaking objections.

11 MR. DROGIN: I want the  
12 record -- I want the record  
13 to reflect --

14 MS. HARWIN: That is not  
15 the purpose of a deposition.  
16 We already stipulated that  
17 it's just objection to form.  
18 It is not a matter of putting  
19 your opinions on record.

20 MR. DROGIN: It is not  
21 the form of the question. It  
22 is not the form of the  
23 question. You are  
24 deliberately misleading the  
25 witness. This is the fourth

1 M. KAPLAN

2 time you have put --

3 MS. HARWIN: Put your  
4 objection on the record.

5 MR. DROGIN: It is not --  
6 it is not an objection.

7 MS. HARWIN: Then there  
8 is nothing to state on the  
9 record.

10 MR. DROGIN: There is. I  
11 am asking you as an officer  
12 of the court to stop  
13 attempting to mislead the  
14 witness. You have gone  
15 through this, this is the  
16 fourth time. You do not like  
17 his answer and you keep  
18 trying to put words in his  
19 mouth that are yours and not  
20 his. Accept it and move on.

21 MS. HARWIN: Counsel, I  
22 am conducting the deposition.  
23 Refrain from these speeches.

24 MR. DROGIN: You are not  
25 permitted to --

1 M. KAPLAN

2 MS. HARWIN: Counsel,  
3 stop.

4 Q. Mr. Kaplan --

5 MR. DROGIN: Counsel,  
6 stop.

7 Q. -- I am trying to  
8 understand from beginning to end  
9 what happened when you received  
10 petty cash spreadsheets. So let's  
11 just walk through that process.

12 When you received a petty  
13 cash spreadsheet, did you receive  
14 any other documentation in  
15 connection with the petty cash?

16 A. I would receive petty cash  
17 spreadsheets from Chase of the  
18 employees in the office, basically  
19 saying like approved, like she had  
20 reimbursed them. And now I can take  
21 the information and do --

22 Q. Mr. Kaplan, that wasn't my  
23 question. So I asked did you  
24 receive any other documentation in  
25 connection with --

1 M. KAPLAN

2 A. There was receipts.

3 Q. Okay.

4 So you received  
5 spreadsheets with petty cash  
6 expenses along with receipts,  
7 correct?

8 A. Yes.

9 Q. Okay.

10 And what did you do, if  
11 anything, to review the receipts?

12 A. I don't -- how do you  
13 review a receipt? I don't follow.

14 Q. Did you look at the  
15 receipt?

16 A. I looked at the receipts.  
17 They had already been approved is my  
18 point. So I took the receipts, and  
19 when I would add up how much, like  
20 say the petty cash was \$5,000, I  
21 would break it down and put the  
22 receipts together. Like these are  
23 all the meals from this X employee,  
24 Y employee, this employee, put them  
25 together and add it up and give them

1 M. KAPLAN

2 a form because to my understanding  
3 the most important things for the  
4 accountants was knowing what things  
5 were -- the categories because then  
6 they knew what was business and what  
7 was personal on their end for tax  
8 reasons. But I didn't -- no, I  
9 didn't review. There was no reason  
10 to review the receipt. It was  
11 already reviewed by Chase so I don't  
12 -- didn't -- that is -- that is it.

13 Q. Did you review the -- let  
14 me restate that question.

15 During -- you have -- you  
16 have testified about things being  
17 approved by Ms. Robinson. In what  
18 period are you referring to?

19 A. Pretty much the entire time  
20 -- Chase was in charge of the office  
21 the entire time I worked there. The  
22 entire time I worked there with  
23 Chase. The entire time when I  
24 worked there with Chase. Not when  
25 she first started but from like 2000

1 M. KAPLAN

2 and -- I don't know late, 2008 and  
3 onward she was basically in charge  
4 of the office. So from that period,  
5 2009 to 2019.

6 Q. So from right after she  
7 joined Canal she was in charge of  
8 the office, is that your testimony?

9 A. Yeah, when she joined the  
10 office, there was another employee,  
11 the other employee quit a few months  
12 after Chase started. And then Chase  
13 was the only -- it was her, and I,  
14 and Michael Weber who was part-time,  
15 and I was -- that was the entire  
16 office for several -- several  
17 months. And when she hired somebody  
18 else, that person was on a lower  
19 level and Chase was her superior, so  
20 yes.

21 Q. It was Mr. De Niro's  
22 decision that you were the person  
23 who would tabulate petty cash, is  
24 that correct?

25 MR. DROGIN: Objection to

1 M. KAPLAN

2 the form.

3 A. No. Mr. De Niro had no --  
4 he didn't know -- he didn't have any  
5 idea of how -- he didn't know petty  
6 cash what that even means, so no.

7 Q. Okay.

8 Who -- how did it come  
9 about that you came to be the person  
10 who reviewed and tabulated the petty  
11 cash?

12 MR. DROGIN: Objection.

13 I am directing him not to  
14 answer. Let's go to the  
15 judge.

16 MS. HARWIN: Counsel, you  
17 can't --

18 MR. DROGIN: Let's go to  
19 the judge. His testimony was  
20 that it was already reviewed  
21 by Chase. That is his  
22 testimony. If you are going  
23 to mischaracterize his  
24 testimony, let's bring it to  
25 the judge right now.



1 M. KAPLAN

2 MS. HARWIN: Counselor,  
3 you can -- he is not your  
4 client. You cannot direct  
5 him not to answer and you  
6 direct under those  
7 circumstances in any event,  
8 so please --

9 MR. DROGIN: We are  
10 officers -- we are officers  
11 of the court. The witness  
12 has testified --

13 MS. HARWIN: Counselor,  
14 stop.

15 MR. DROGIN: No, you  
16 stop.

17 MS. HARWIN: Ms. Hayden,  
18 can you read what the pending  
19 question is?

20 (Whereupon, the requested  
21 portion was read back by the  
22 reporter:

23 Q: How did it come about  
24 that you came to be the  
25 person who reviewed and

1 M. KAPLAN

2 tabulated the petty cash?)

3 MR. DROGIN: Objection  
4 and I direct the witness not  
5 to answer the question.

6 MS. HARWIN: There is  
7 nothing inappropriate. This  
8 is using the words that the  
9 witness provided, and I am  
10 asking how that came about.

11 MR. DROGIN: The witness  
12 did not provide them. You  
13 provided them. His quote was  
14 that they were already  
15 reviewed by Chase.

16 MS. HARWIN: Counselor,  
17 this was something that was  
18 testified about an hour ago,  
19 that he was the person who  
20 tabulated these expenses.  
21 Stop.

22 MR. DROGIN: You are not  
23 asking about tabulating. You  
24 said reviewed and tabulated.

25 MS. HARWIN: Counselor.

1 M. KAPLAN

2 Q. So how did it come about  
3 that you became the person that  
4 tabulated the petty cash expenses?

5 A. Like I said earlier, the  
6 tabulation was done before me by  
7 Michael Weber. And when he left, I  
8 started doing it. I did not review  
9 -- he didn't review as far as  
10 authorized -- he wasn't authorized  
11 any more so than I was to review  
12 actually what people were spending  
13 the money on.

14 Q. Okay.

15 But if you saw an expense  
16 on a petty cash sheet that seemed  
17 outside of the ordinary, you would  
18 raise a request with it -- about it,  
19 correct?

20 MR. DROGIN: Objection to  
21 the form. You can answer.

22 A. These other -- the  
23 assistants who worked in the office  
24 were -- to a fault, very ethical  
25 people, and there was no -- there

1 M. KAPLAN

2 was just no -- there was never a  
3 situation like that. They didn't  
4 expense things that were not -- that  
5 were un-Kosher, so to speak. Yes,  
6 of course, if I saw something that I  
7 personally thought I would -- I  
8 would ask for clarification I'm  
9 sure. But I didn't -- I can't even  
10 think of one off the top of my head  
11 because people were -- I mean, Chase  
12 had to authorize it also so they  
13 were scared of her, so they didn't  
14 want to -- they -- they only -- they  
15 only submitted things that they knew  
16 she would approve.

17 Q. We are going to share a  
18 document in the chat, which you can  
19 download, Mr. Kaplan. This is a  
20 document that I am marking as  
21 Plaintiff's Exhibit 11, which is  
22 Bates Stamped Canal 0022626.

23 Can you open that document,  
24 please?

25 (Whereupon, Plaintiff's

1 M. KAPLAN

2 Exhibit 11, Canal 0022626,  
3 was marked for  
4 identification, as of this  
5 date.)

6 A. Sure. Give me a moment.

7 Q. If you go in the chat.

8 A. I saw it, but it took me to  
9 a webpage. Magna Legal Services.

10 Q. If you click on it, you  
11 should be able to download it to  
12 your desktop.

13 A. Hold on. Let me -- now I  
14 am not in -- hold on. Let me try  
15 this one more time.

16 Q. Take your time.

17 A. Yes, I see it. It is a  
18 petty cash.

19 MR. DROGIN: This is a  
20 three-tab spreadsheet, is  
21 that right, in Excel?

22 MS. HARWIN: That is  
23 correct.

24 MR. DROGIN: Okay. Go  
25 ahead.

1 M. KAPLAN

2 Q. Mr. Kaplan, is the form of  
3 this petty cash spreadsheet  
4 consistent with the petty cash  
5 spreadsheets that you received  
6 during your employment with Canal?

7 A. Yes, but I will stipulate  
8 that -- or I don't know if that is  
9 the term. I don't know. But this  
10 is something that Chase came up with  
11 at some point. We didn't have this  
12 the entire form. These forms, this  
13 is like her design and everything.  
14 I don't know what year she started  
15 this, but this is consistent with  
16 once we started that -- that the  
17 forms that -- that -- yeah, that  
18 people would do often.

19 Q. You can see in this Excel  
20 spreadsheet tabs for 2017, 2018, and  
21 2019. Is this consistent with the  
22 form in which petty cash forms were  
23 prepared at Canal from at least 2017  
24 onward?

25 A. Yeah. I think that is

1 M. KAPLAN

2 actually to the year. That answers  
3 the question that I just raised. I  
4 think 2017 onward is when -- or May  
5 -- or April of 2017 is when these  
6 forms began.

7 Q. Okay.

8 And it is your testimony  
9 that Ms. Robinson designed the form  
10 of this spreadsheet for petty cash  
11 submissions, is that correct?

12 A. It is, yes.

13 Q. Prior to 2017, in what form  
14 were petty cash submissions  
15 submitted?

16 A. I don't remember. I don't  
17 remember. Yeah, I don't know if  
18 there was an official form. I think  
19 it was more of a situation where  
20 there was like an envelope, you  
21 would put your receipts in, and  
22 employees would get -- in the same  
23 manner, the employees would get  
24 reimbursed by Chase, or sometimes  
25 myself if Chase wasn't around, with

1 M. KAPLAN  
2 like a total. But it wasn't as  
3 official. You know, the receipts  
4 would go in and this was -- this was  
5 an attempt to make it more  
6 organized. It -- it is obviously on  
7 paper organized. I don't know if it  
8 actually made the process any  
9 different, but --

10 Q. The items that were not  
11 highlighted were ones for which you  
12 were provided receipts, is that  
13 correct?

14 A. I don't know if that is --  
15 I don't know what the highlighting  
16 is. That is a Chase thing. I don't  
17 think there is receipts for like an  
18 iTunes store app looking at this. I  
19 don't why -- I don't know why -- I  
20 don't know why there is highlights.

21 Q. Okay.

22 Sitting here today, you  
23 don't recall what the highlights  
24 mean on this spreadsheet, is that  
25 correct?



1 M. KAPLAN

2 A. No, I do not.

3 Q. Okay.

4 When Ms. Robinson provided  
5 her petty cash receipts -- let me  
6 restate that question.

7 When Ms. Robinson provided  
8 her petty cash sheets to you, she  
9 also provided you with receipts, is  
10 that correct?

11 A. There were receipts for --  
12 yeah. I don't know if it was for  
13 everything. But there was receipts  
14 for certain items for sure, yes.

15 Q. What did you do with the  
16 petty cash sheets and receipts that  
17 you received from Ms. Robinson for  
18 her petty cash expenses?

19 A. I put them with all the  
20 other petty cash situations, and  
21 just like everyone else, you  
22 tabulate them all together, and sent  
23 them off to the accountants.

24 Q. Did you tabulate petty cash  
25 expenses by category?

1 M. KAPLAN

2 A. Yes. There was -- like I  
3 said, meals, transportation,  
4 supplies, personal, research, things  
5 of that nature.

6 Q. With respect to these petty  
7 cash expenses on Ms. Robinson's  
8 spreadsheet from 2017 to 2019, were  
9 any of the -- let me restate that  
10 question.

11 Turning the petty cash  
12 spreadsheet that has been marked as  
13 Exhibit 11, which petty cash charges  
14 on this sheet were typical types of  
15 expenses for Canal employees?

16 MR. DROGIN: Objection to  
17 the form.

18 A. Which of these are typical?  
19 They are all -- I mean, they are  
20 typical with the exception is that  
21 the working dinner was not something  
22 that other employees did. Apps, I  
23 am just looking at this, was not  
24 something that employees would  
25 expense the same way with the

1 M. KAPLAN

2 latitude. I mean, Chase had --  
3 there was more -- it is a different  
4 -- her forms were different because  
5 she traveled, and she -- there is --  
6 I see there is like -- I see,  
7 looking at this -- I mean, there is  
8 tips I see here. I see a flight  
9 change fee is not something someone  
10 else would be. I see Bob's lottery  
11 tickets somewhere I saw here, Power  
12 Ball. RC -- there was a -- hers  
13 were different because they are -- I  
14 mean, some -- you know, the lunch,  
15 coffee, those would be the types of  
16 things that could be on other  
17 people's forms.

18 Q. Did you have any reason to  
19 believe that Ms. Robinson was not  
20 authorized to charge working dinners  
21 to Canal?

22 A. I don't -- Ms. -- she was  
23 in charge of the office. So, I  
24 mean, if she thought she could  
25 charge working dinners to Canal, who

1 M. KAPLAN

2 was I to say she wasn't allowed to  
3 do that? But I don't -- I didn't --  
4 there was no policy that anybody  
5 said to us that you could charge  
6 dinners. In fact, the whole idea of  
7 expensing meals when you are working  
8 late really started, as when I came  
9 in, I understood the concept more to  
10 the lower end people who weren't  
11 making a lot of money, and it was  
12 sort of flipped on its head here  
13 where the person making the most  
14 money was charging the most dinners,  
15 but yeah.

16 Q. Did any of the charges on  
17 Ms. Robinson's petty cash sheets  
18 raise a red flag for you prior to  
19 the time her employment ended?

20 MR. DROGIN: Objection to  
21 the form. Are you -- can you  
22 just clarifying, are you  
23 talking about this document  
24 or in general?

25 MS. HARWIN: Paige, can

1 M. KAPLAN

2 you read back the question?

3 (Whereupon, the requested  
4 portion was read back by the  
5 reporter:

6 Q: Did any of the  
7 charges on Ms. Robinson's  
8 petty cash sheets raise a red  
9 flag for you prior to the  
10 time her employment ended?)

11 MS. HARWIN: That  
12 question pertains to this  
13 petty cash sheet that has  
14 been marked as Exhibit 11.

15 MR. DROGIN: Just for  
16 clarification, we are looking  
17 at the 2017 tab or all three  
18 tabs?

19 MS. HARWIN: All three  
20 tabs.

21 A. Prior to -- I mean, you  
22 know, she would charge things that  
23 sometimes, you know, I don't  
24 remember in my state of mind. So LA  
25 trip tips is an example. To me, I

1 M. KAPLAN  
2 don't know. Sometimes these trips  
3 were personal/a little bit of  
4 personal tips that you are tipping.  
5 Like I said, ultimately, she was in  
6 charge, so it wasn't really -- you  
7 know, I wasn't really -- who was I  
8 questioning this to exactly? Like  
9 it was like this is her system, and  
10 I was just part of it.

11 Q. So that -- that didn't  
12 answer my question. I am going to  
13 remind you of what I am asking.

14 Before Ms. Robinson's  
15 employment at Canal ended, did any  
16 of the petty cash charges on Ms.  
17 Robinson's petty cash sheet marked  
18 as Exhibit 11 raise any red flags  
19 for you?

20 MR. DROGIN: Objection to  
21 the form.

22 A. I -- I -- I did not raise  
23 -- I didn't raise any red flags with  
24 anybody else as far as reporting any  
25 of these things, so I guess you

1 M. KAPLAN

2 could say no. But it wasn't -- it  
3 wasn't -- like I said, I wasn't  
4 thinking of it that way. I was  
5 thinking of it more as this is what  
6 we are spending money on, these are  
7 the categories, sending it off to  
8 Berdon. I wasn't there to supervise  
9 how she was spending the money, that  
10 wasn't my job title.

11 Q. What did you do with the  
12 receipts that Ms. Robinson provided  
13 to you in connection with her petty  
14 cash sheets?

15 A. They went -- like I said,  
16 they went with everybody else's  
17 receipts in the office, you know,  
18 and it was by category. So her  
19 receipts -- you know, looking at the  
20 this form, if she had receipt for Le  
21 Pain, and Whole Foods, and Shake  
22 Shack, those would all go to meals,  
23 and boots would go into supplies and  
24 yeah, I don't know. It was receipts  
25 for things like Delta flight change

1 M. KAPLAN

2 fee, but like, I would probably mark  
3 that is a miscellaneous business  
4 expense or something. And the  
5 iPhone would go in to electronics.  
6 The receipts would just go like  
7 everybody else's. They would go  
8 together, put them in a thing, and  
9 periodically send them to Berdon to  
10 whatever they do with them. Put  
11 them in giant file somewhere, I  
12 don't know.

13 Q. Did you scan the receipts  
14 prior to providing them to Berdon?

15 A. I did not, no. Nobody ever  
16 instructed us to do that. So we did  
17 not do that.

18 Q. Did you ever throw away  
19 receipts?

20 A. No. Only if it was  
21 redundant. Only if it was like a  
22 copy of a receipt we already had.

23 Q. Did you throw away any of  
24 the receipts that Ms. Robinson  
25 submitted?



1 M. KAPLAN

2 A. No.

3 Q. Did you ever generate  
4 receipts to submit extra receipts to  
5 try to square the numbers for petty  
6 cash?

7 A. Did I ever generate the  
8 receipts? I don't understand what  
9 -- I mean, there is -- you know, we  
10 would tip -- with meals and stuff,  
11 so we would round up on the tips to  
12 try to make the number -- yeah, to  
13 try to make it, you know, the number  
14 -- it just wouldn't come out always  
15 close to the number so we would try  
16 to make it fit. Or sometimes there  
17 would be, you know, a question of  
18 did we forget, you know, a tip for  
19 so and so. But not generating a  
20 receipt, I didn't have a -- that  
21 wasn't part of the operation.

22 Q. Okay.

23 From time to time you would  
24 adjust the content of the petty  
25 cashes to make sure that the numbers

1 M. KAPLAN

2 worked, is that correct?

3 A. No. What I am saying is  
4 that, you know, people would submit  
5 their receipts for like a -- a  
6 coffee and just or a meal, and they  
7 would -- nobody would ever put the  
8 tips on there. So often or they  
9 would submit -- it just -- the  
10 numbers -- or you -- people would  
11 take an even number, but the receipt  
12 for -- there was no change. So  
13 sometimes we would adjust -- I would  
14 just write a tip on it to get the  
15 number to -- to be a -- because we  
16 didn't have -- there was no like  
17 handing back the change, you know,  
18 but I don't have a -- I mean, I  
19 don't remember exactly like, you  
20 know, each receipt, like each one of  
21 these, what we did for each one, but  
22 --

23 Q. Can you turn to the 2018  
24 tab of the spreadsheet marked as  
25 Exhibit 11?

1 M. KAPLAN

2 A. Uh-huh.

3 Q. Paolas is one of the main  
4 places that Ms. Robinson ordered her  
5 working meals from, is that correct?

6 A. Yes, she seemed to like  
7 that place a lot. I think she got a  
8 Ceaser salad and something often.  
9 Something with pasta.

10 Q. As far as you know, Ms.  
11 Robinson ordered delivery from  
12 Paolas rather than dining in there,  
13 correct?

14 A. I don't know. The receipts  
15 that were in the petty cash, yes, as  
16 far as I know, the -- those were  
17 delivered receipts to her house, but  
18 I don't -- I don't know what she did  
19 other -- she might have eaten there,  
20 too. The ones that I had seen were  
21 usually -- seemed like they had her  
22 address on it, so yes, they were  
23 delivered.

24 Q. And as far as you  
25 understood at the time, there was

1 M. KAPLAN

2 nothing improper in Ms. Robinson  
3 ordering a working lunch or working  
4 dinner from Paolas, correct?

5 MR. DROGIN: Objection to  
6 the form.

7 A. We had had conversations  
8 about price, you know, she had over  
9 the years wanted to institute a kind  
10 of price cap on meals and like  
11 \$25.00. I sort of just -- I didn't  
12 want to penalize the people that  
13 didn't expense often. I see a lot  
14 of \$60.00. I don't know if that was  
15 for -- she would go over what was  
16 considered like the working one  
17 person thing, but other than that,  
18 yeah. If she was working, it was  
19 understood you could, you know --  
20 but, you know, you could expense  
21 things, but I would add that the  
22 people who were working -- there was  
23 always somebody in the office who  
24 had a phone and they were not --  
25 they would not regularly expensing

1 M. KAPLAN

2 their dinners as they were not told  
3 they were allowed to do that.

4 Q. As you understood it, if  
5 Ms. Robinson was working through  
6 lunch or through dinner, she was  
7 entitled to charge Canal for those  
8 meals, is that correct?

9 MR. DROGIN: Objection to  
10 the form. You can answer.

11 A. As I understood it, if you  
12 were working through lunch, you  
13 could charge it. Dinner was  
14 supposed to be if you were working  
15 late at the office or working late  
16 at a thing. It really wasn't  
17 working from home on something,  
18 because, like I said, the people in  
19 the office who had the phones and  
20 Bob was calling at night were not  
21 expensing meals. So that was  
22 supposed to be more of like a if you  
23 work a -- were in the office late  
24 wrapping gifts, or there is an  
25 event, or a film festival, something

1 M. KAPLAN  
2 like that. It wasn't supposed to  
3 just be like (inaudible) I can  
4 expense dinner, that is not how I  
5 understood it. But, you know, I  
6 wasn't in charge of any kind of  
7 policy either, so --

8 Q. Whole Foods was a place  
9 that Ms. Robinson would pick up  
10 working meals from, correct?

11 MR. DROGIN: Objection to  
12 the form.

13 A. I see it on here, Whole  
14 Foods, yes.

15 Q. There was nothing improper  
16 in Ms. Robinson charging Canal for  
17 working lunch or dinner from Whole  
18 Foods, correct?

19 MR. DROGIN: Objection to  
20 the form.

21 A. Like I said, there is not  
22 improper about -- based on how we  
23 did it as far as lunch. The dinner  
24 was not in the spirit of the rules,  
25 per se, but --

1 M. KAPLAN

2 Q. Have you charged Canal for  
3 working meals that you purchased in  
4 Whole Foods?

5 A. Whole Foods, I didn't  
6 regularly eat at Whole Foods, but I  
7 did go to the Whole Foods by Bob's  
8 old apartment in Columbus Circle, I  
9 believe, when I would be there.  
10 That would -- so yes, but not -- it  
11 wasn't a regular place of mine, but  
12 yes.

13 Q. Dean & DeLuca was also a  
14 place that Ms. Robinson would pick  
15 up working meals from, correct?

16 MR. DROGIN: Objection to  
17 the form.

18 A. I believe so. It seems  
19 that way from -- it wasn't her  
20 number one place, but she did, yes.

21 Q. And there was nothing  
22 improper in Ms. Robinson charging  
23 Canal for a working meal from Dean &  
24 DeLuca, correct?

25 MR. DROGIN: Objection to

1 M. KAPLAN

2 the form.

3 A. Like I said, if she was  
4 working, there was, you know,  
5 nothing improper about charging a  
6 lunch or coffee from Dean & DeLuca.

7 Q. There were times when Ms.  
8 Robinson purchased iPhones for work  
9 using petty cash, is that correct --  
10 let me rephrase the question.

11 There were times when Ms.  
12 Robinson was reimbursed from petty  
13 cash for iPhones that were purchased  
14 for work, is that correct?

15 MR. DROGIN: Objection to  
16 the form.

17 A. Yes. She used petty cash  
18 for some iPhones.

19 Q. There was nothing improper  
20 in charging petty cash iPhones that  
21 were purchased for work, correct?

22 MR. DROGIN: Objection to  
23 the form.

24 A. No, but it was strange  
25 because nobody -- everybody else



1 M. KAPLAN

2 used the credit card -- everybody  
3 else was on the phone bill. She was  
4 the only one that would use petty  
5 cash for iPhone purchases.

6 Q. But there was nothing  
7 improper in charging to petty cash  
8 an iPhone for work, correct?

9 MR. DROGIN: Objection to  
10 the form.

11 A. I don't know why she used  
12 petty cash for an iPhone, but if it  
13 was a work phone, then it is, of  
14 course, allowed to have a work  
15 phone.

16 Q. Do you recall a time when  
17 Ms. Robinson's dog had cancer?

18 A. Yes. I remember her dog  
19 being sick. I don't remember the  
20 specifics.

21 Q. Do you recall that Ms.  
22 Robinson was scouting out homes for  
23 Mr. De Niro while her dog was sick?

24 A. No, because I wasn't aware  
25 -- I don't think I was aware she was

1 M. KAPLAN  
2 scouting out homes until after she  
3 scouted out homes, but if you say  
4 so, then sure.

5 MR. DROGIN: Objection.  
6 I would ask the witness not  
7 to guess or speculate. If  
8 you want to take a break,  
9 please ask for one, but  
10 please don't speculate. Just  
11 answer the question that you  
12 are asked.

13 A. I don't recall. I don't  
14 know the timeline of when her dog  
15 was sick, so I don't know if that  
16 was when she was scouting out homes.

17 Q. Do you recall Ms. Robinson  
18 being approved to use petty cash for  
19 dog sitting during the short period  
20 when her dog was sick?

21 A. No, I don't recall ever  
22 having a conversation about that.

23 Q. You received the petty cash  
24 sheets showing dog sitting expenses,  
25 correct?

1 M. KAPLAN

2 A. Yes.

3 Q. And at the time you  
4 received those petty cash sheets,  
5 you understood what that dog sitting  
6 expense had referred to, correct?

7 MR. DROGIN: Objection to  
8 the form.

9 A. Yes. I understood -- look,  
10 the -- my understanding of it was  
11 that Robin had expensed for dog --  
12 dog -- when she would travel into  
13 the city for her dogs being watched,  
14 so, you know, I wasn't going to --  
15 again, Chase was in charge of all  
16 this stuff. If I was going to be  
17 object to anything Chase did, it  
18 wasn't going to be her dog -- her  
19 sick dog -- taking care of her sick  
20 dog. I mean, it was not a -- it is  
21 a strange charge for a business to  
22 pay for, but it is also not a -- it  
23 is not really something that I was  
24 appalled by or anything at the time.

25 Q. It wasn't outside the norm

1 M. KAPLAN

2 for Mr. De Niro to approve dog  
3 sitting expenses at certain times  
4 for certain employees?

5 MR. DROGIN: Objection to  
6 the form.

7 A. Bob didn't know -- it  
8 wasn't like he approved it because  
9 he didn't -- he didn't -- he wasn't  
10 in charge of these financial things.  
11 So would he have approved it,  
12 probably, knowing Bob, he is a -- he  
13 can be a very generous person. So I  
14 don't think he would be against it,  
15 but I highly doubt it was asked of  
16 him, but I don't know for sure.

17 Q. 143 in the 2018 tab?

18 A. I don't have it numbered.  
19 What --

20 Q. If you look on the left  
21 margin, you will see numbers for  
22 each cell.

23 MR. BENNETT: Mine are  
24 not numbered either.

25 Q. If you look on 2018 tab,

1 M. KAPLAN

2 there is a charge dated July 26th,  
3 2018. Can you go down to July 26th,  
4 2018, and let us know when you are  
5 there?

6 A. Yes.

7 Q. Okay.

8 Do you see there Ms.

9 Robinson recorded a payment and gift  
10 from Louis Vuitton?

11 A. Yes.

12 Q. What was your understanding  
13 at the time of the purchase -- let  
14 me restate that.

15 What was your understanding  
16 at the time of the purpose of this  
17 purchase?

18 A. I don't remember what I  
19 thought when I saw this. So I don't  
20 -- I have no recollection.

21 Q. Do you recall this being a  
22 gift to Amelia Brain?

23 A. No. I heard that later  
24 somewhere, but I -- I don't remember  
25 -- I don't remember what I thought

1 M. KAPLAN

2 at the time.

3 Q. But you never asked anyone  
4 about this --

5 A. No, I might have asked. I  
6 don't remember if I asked is what I  
7 am trying to say. I don't remember.  
8 She might have told me it was for  
9 Amelia. She might had not told me.  
10 I might have asked. I don't  
11 remember.

12 Q. Who is Amelia Brain?

13 A. Amelia Brain worked for  
14 Canal for several years as primarily  
15 Chase's assistant.

16 Q. When did Ms. Brain's  
17 employment at Canal end?

18 A. I believe in 2015 or so,  
19 but maybe I am off, but maybe 2017.  
20 I don't remember. She worked for  
21 about fives years or so, six years,  
22 and then she went to Los Angeles,  
23 and then she came back to help in 20  
24 -- 2019, the summer a little bit.

25 Q. After Ms. Brain's

1 M. KAPLAN  
2 employment at Canal ended, she  
3 continued to perform work for Canal  
4 and Mr. De Niro from time to time,  
5 is that right?

6 A. She continued to perform  
7 work? Um, no. She -- she -- Chase  
8 had her help her with a few things  
9 from time to time. But I don't -- I  
10 don't know if I would call it for  
11 Canal. I don't know what it was  
12 specifically.

13 Q. After Ms. Brain's  
14 employment at Canal ended, from time  
15 to time she would assist on items  
16 for Mr. De Niro, is that right?

17 A. I believe she -- Chase had  
18 her -- after her employment ended,  
19 she came back -- I think she came  
20 back to New York twice. Once was to  
21 help train this new person Lu Lu. I  
22 don't recall what the other time was  
23 for, if there was another time. In  
24 my head I think there was two times,  
25 but maybe I am wrong. It was more

1 M. KAPLAN

2 to help Chase with things. I don't  
3 think she helped Mr. De Niro with  
4 things.

5 Q. Okay.

6 Ms. Brain was an actress in  
7 one of Mr. De Niro's movie, is that  
8 right?

9 A. I believe she was in two of  
10 his movies. The Irishman and the  
11 fine film Dirty Grandpa.

12 Q. Did anyone review your  
13 petty cash expenses?

14 A. No. Chase -- I did these  
15 sheets early on, but I just found  
16 that I didn't like the form. So she  
17 might have reviewed a few of them,  
18 but then only Berdon, I guess, would  
19 have reviewed the whole petty cash.

20 Q. Did you ever use petty cash  
21 to buy dinner for your wife and  
22 kids?

23 A. For my wife and kids, no.  
24 I used it to buy dinner if I was  
25 working -- if there was an event. I



1 M. KAPLAN

2 worked a lot of events, so I worked  
3 a lot of late nights and often I  
4 didn't eat at those events, so I  
5 would buy dinner. So those nights,  
6 sometimes at a bodega or something,  
7 sometimes something -- it depends on  
8 where it was. So I did buy dinners  
9 from time to time. But it wasn't  
10 like going out to dinner with the  
11 family on Bob's -- it was more like  
12 leaving a thing.

13 Q. You would use petty cash  
14 for working dinners when you were  
15 working for Canal and Mr. De Niro,  
16 correct?

17 MR. DROGIN: Objection to  
18 the form.

19 A. I used petty cash for work,  
20 yes. But, you know, like I said  
21 working dinners, to define it, was  
22 if I was working late for whatever  
23 reason or working on a weekend then  
24 yes. I used petty cash mainly  
25 because I just wanted the points on

1 M. KAPLAN  
2 my credit card. And also my card  
3 was supposed to be for personal  
4 stuff, not for business stuff.  
5 There was two reasons I didn't use  
6 my work card for those things.

7 Q. Okay.

8 As part of your job, did  
9 you review bills that Canal  
10 received?

11 A. Which -- what bills do you  
12 mean?

13 Q. As part of your job, did  
14 you review any types of bills that  
15 Canal received?

16 A. No, not really. I would --  
17 okay. I will rephrase that. I did  
18 review -- Force Transfer would send  
19 invoices that I would either send to  
20 Berdon to pay, or pay directly with  
21 the credit card. They were the  
22 moving company that we used. I  
23 reviewed those because I worked with  
24 them the most. And then -- no. I  
25 mean, only things that I actually

1 M. KAPLAN  
2 had like a plumber who came to a  
3 property, they would send a bill, I  
4 would send it off to the accountants  
5 to pay it. I am vouching for this  
6 plumber, stuff like that, but I  
7 didn't review his billing. I can't  
8 think of what else you mean, so no.

9 Q. As part of your job, did  
10 you review any of the credit card  
11 statements that Canal received?

12 A. No.

13 Q. You never reviewed credit  
14 card statements that Canal received?

15 A. I saw them, but it wasn't  
16 part of my job. Chase would get the  
17 credit card bills from Berdon. She  
18 would send them to me, and as part  
19 of the job Chase was -- Chase would  
20 go through all the credit cards, and  
21 want all the receipts, and try to  
22 match them up. I think that was  
23 something she was very interested in  
24 but I didn't regularly review the  
25 credit cards other than -- other

1 M. KAPLAN

2 than if there was a reason to. I  
3 don't know why I would. I didn't  
4 even review my own credit cards. So  
5 I don't know, but go on.

6 Q. I'm sorry. Say that again?

7 A. I said, "I don't even  
8 review my own credit cards, but  
9 sorry, go on."

10 Q. Did you communicate with  
11 personnel at Berdon, LLP, during  
12 your employment at Canal?

13 A. Yes.

14 Q. On what topics would you  
15 communicate with personnel at  
16 Berdon?

17 A. About -- I mean, about  
18 petty cash, that we needed to get  
19 petty cash, about paying things that  
20 they should pay, about benefits.  
21 About mainly it was paying for  
22 things that we needed money for, or  
23 if we needed -- or bills they had to  
24 pay. Or they would -- they would --  
25 they would -- so if you are asking

1 M. KAPLAN

2 to -- to get back to the credit card  
3 receipt thing, they would contact me  
4 about charges sometimes that were in  
5 my credit card because it was in my  
6 name, and I would often direct them  
7 to the office because I didn't know,  
8 you know, a lot of these hotels and  
9 stuff were for Bob's family and I  
10 didn't know. I assumed it was  
11 legitimate because it was a crazy  
12 hotel in France or something, but I  
13 didn't know for sure so I would  
14 direct them to the person in the  
15 office, or I would, myself, ask a  
16 person in the office to confirm it.

17 Q. What was Burden's role with  
18 respect to petty cash?

19 A. Pay -- their role was they  
20 wanted us to -- we e-mailed them  
21 when we needed it, they sent it  
22 down, and then they took, you know,  
23 as I said earlier, we sent them the  
24 receipts and the breakdowns when it  
25 was over. They wanted to have the

1 M. KAPLAN  
2 breakdowns I think for tax purposes.  
3 They set up the -- the breakdown  
4 thing was a thing they set up  
5 originally like as a format to use.

6 Q. And the petty cash  
7 spreadsheet that was marked as  
8 Exhibit 11 employed the categories  
9 that Berdon wanted to use, is that  
10 correct?

11 A. The thing I am looking at  
12 right now with the three tabs?

13 Q. Yes.

14 A. Yeah. I mean, I see --  
15 because Chase wrote like lunches,  
16 dinners, and she wrote personal.  
17 She sort of had that in mind, I  
18 guess, yeah. To an extent I see  
19 that. But it is -- sometimes I  
20 would have to like decide like  
21 what --

22 MR. DROGIN: Just ask the  
23 witness please not to guess.

24 THE WITNESS: Sorry.

25 MS. HARWIN: Counsel,

1 M. KAPLAN

2 don't interrupt while the  
3 witness is speaking.

4 A. Sometimes I would have to  
5 decide like based on what notes that  
6 she left, if something was personal  
7 or not. My sense of Berdon is they  
8 -- they just wanted -- they wanted  
9 to have the numbers. This was not  
10 -- the amount of money was a big tax  
11 thing either way, so they just  
12 wanted to have the numbers to use so  
13 we provided them to them.

14 Q. How often would you send  
15 over tabulations of petty cash to  
16 Berdon?

17 A. I mean, they would receive  
18 them for every petty cash they got.  
19 But how often, it depended on --  
20 often times I would say closer, you  
21 know, to tax season they would say  
22 we need all the ones. I would send  
23 them then. I don't remember how --  
24 how frequently. Sometimes I would  
25 send them more regularly depending

1 M. KAPLAN

2 on how busy I was with other things.

3 Q. Typically petty cash  
4 tabulations would be sent to Berdon  
5 at last a few times a year, is that  
6 correct?

7 A. Yeah, I would say a few  
8 times a year.

9 Q. Did you go over petty cash  
10 tabulations with personnel at  
11 Berdon?

12 A. No, not that I can  
13 remember.

14 Q. Did you have any  
15 involvement working with Berdon as  
16 Berdon prepared Canal's taxes?

17 A. No. Other than just to  
18 answer questions they might have  
19 about charges as far as on the  
20 credit cards. But that is not  
21 really a tax thing, so, no, sorry.

22 Q. During your employment at  
23 Canal, how closely did you work with  
24 Chase Robinson?

25 A. How closely? I talked to



1 M. KAPLAN

2 Chase several times a day usually.

3 She -- I don't know. You know, like

4 a lot of the office policies and

5 things she wanted to do we would

6 discuss ahead of time. And I sort

7 -- she started -- she wanted to know

8 what I was up to. Sorry. My other

9 phone. Sorry. She wanted to know

10 what I was up to, and I -- I don't

11 know. I mean, we would speak

12 several times a day usually about

13 office things or Bob things.

14 Q. And on what topics would

15 you and Ms. Robinson interact when

16 would you communicate on a regular

17 day?

18 A. Um, like I don't know. It

19 depended on what was going on, but

20 like it would be whatever I was

21 going to with Bob, you know, going

22 over things. It could be if she

23 wanted to discuss the health benefit

24 plan, it could be -- it could be art

25 stuff. If she wanted -- you know,

1 M. KAPLAN

2 giving a gift to somebody. It could  
3 be -- you know, it was like she -- a  
4 lot times she had -- she had a lot  
5 of ideas, so she kind of bounced  
6 them off of me sometimes. You know,  
7 it really depended though because  
8 sometimes when she was like in --  
9 you know, traveling or something, I  
10 didn't speak to her as frequently.  
11 But -- so yeah. I don't know. I  
12 don't have an estimate for how many  
13 times during the day or anything  
14 like that, but depending on the  
15 situation.

16 Q. Do you recall circumstances  
17 in which Mr. De Niro ever rejected  
18 ideas that Ms. Robinson presented?

19 A. Rejected ideas? I mean  
20 usually what she presented she got  
21 him to do. He did -- she wanted him  
22 at one point -- she wanted him to  
23 basically hire this third-party  
24 benefits program company, which was  
25 something that he did end up

1 M. KAPLAN

2 ultimately rejecting.

3 Q. Do you recall any other  
4 circumstances in which Mr. De Niro  
5 rejected ideas that Ms. Robinson  
6 conducted?

7 A. I mean, there would be  
8 things that -- with the -- with the  
9 Tribeca Film Festival, events and  
10 things that she might (inaudible)  
11 that he would go to. That is not  
12 really an idea. I can't recall off  
13 the top of my head a specific -- she  
14 also talked to Bob a lot more  
15 frequently than I did about --  
16 sometimes I wasn't aware of things  
17 that she talked about. I am sure  
18 there are examples, but I don't know  
19 them off the top of my head.

20 Q. Working for Mr. De Niro was  
21 not just a 9:00 to 5:00 job for Ms.  
22 Robinson, was it?

23 A. It wasn't a 9:00 to 5:00  
24 job for anybody that worked for Mr.  
25 De Niro. It was a unique job.

1 M. KAPLAN

2 Q. Focusing on Ms. Robinson,  
3 Mr. De Niro expected Ms. Robinson to  
4 be available to him at all hours of  
5 the day and night, correct?

6 MR. DROGIN: Objection to  
7 the form. You can answer.

8 A. I don't know if he expected  
9 her to be available at all hours of  
10 the day. I know that -- that she  
11 impressed upon him that the people  
12 in the office needed breaks -- there  
13 should be times when they weren't  
14 available. It wasn't reasonable and  
15 that he could always call her. She  
16 always would say -- she made it  
17 clear that she was the one person  
18 that was always available. But I --  
19 I -- I don't know what Bob's  
20 expectations were as far as actual  
21 hours.

22 Q. It was a common occurrence  
23 for Ms. Robinson to perform work for  
24 Mr. De Niro in the evenings,  
25 correct?

1 M. KAPLAN

2 A. No. I mean, I -- she --  
3 not -- there was not -- I don't  
4 really know what she did that had to  
5 be done in the evenings other than  
6 if he called her. But I don't know  
7 how often he called her. I have no  
8 knowledge.

9 Q. You don't know how often  
10 Ms. Robinson and Mr. De Niro would  
11 speak on evenings and weekends, is  
12 that right?

13 A. No.

14 Q. Meaning, correct?

15 A. Yeah, I don't know how  
16 often they spoke.

17 Q. As far as you are aware,  
18 did Canal ever record phone calls on  
19 any of its systems?

20 A. No.

21 Q. As far as you are aware,  
22 were there any cameras in the Canal  
23 office?

24 A. No.

25 MS. HARWIN: We are going

1 M. KAPLAN

2 to share another document in  
3 the chat, which we are going  
4 to mark as Plaintiff's  
5 Exhibit 12.

6 (Whereupon, Plaintiff's  
7 Exhibit 12, an e-mail, was  
8 marked for identification, as  
9 of this date.)

10 A. I have to figure out how to  
11 get back -- I can close this other  
12 one down?

13 Q. You can close the other  
14 one, yes.

15 A. Oh, wait. What did I do to  
16 get back to the chart? Hold on.  
17 Okay. There it is.

18 MR. DROGIN: This is 12.

19 A. Hold on. I need to find  
20 where it is on my computer. Oh,  
21 boy. Okay. Yeah.

22 Q. Do you recognize this  
23 e-mail as an e-mail you sent to Ms.  
24 Robinson after her employment at  
25 Canal ended?

1 M. KAPLAN

2 A. Yes.

3 Q. Turning your attention to  
4 the fourth paragraph, the second  
5 sentence of that paragraph, you  
6 wrote, "You set a great example of  
7 hard work being willing to drop  
8 everything no matter the time when  
9 needed?"

10 A. Yes.

11 (Simultaneous speaking)

12 A. Sorry.

13 Q. Was that truthful?

14 A. Look, this e-mail was  
15 written -- I -- I wrote this -- this  
16 is on April 22nd, she had just left.  
17 She sent me an e-mail, a very nice  
18 e-mail before that, as you can see.  
19 And I essentially replied to this  
20 e-mail like line by line of her  
21 e-mail. I remember sort of -- look,  
22 I felt bad -- I felt that Chase for  
23 -- all of her -- look, she drove --  
24 she drove a lot of people in the  
25 world crazy, and she made a lot of

1 M. KAPLAN  
2 people's lives miserable, and she --  
3 she made -- she gave me a lot of  
4 stress. All of these things were  
5 true, but I did -- I did feel bad  
6 for her because I thought -- I knew  
7 how much the job meant to her. So I  
8 was trying to, you know, basically  
9 reply to her e-mail with a similar  
10 tone. You set a great example of  
11 hard work. I mean, that is true in  
12 the sense that she did drop -- she  
13 was willing to drop -- she didn't  
14 really have any -- if she was in New  
15 York, she would -- like she was  
16 willing to drop everything for Bob,  
17 that was true, and -- and -- and I  
18 said (inaudible) which, you know, to  
19 me, myself and Chase were on -- you  
20 know, this level in Bob's head  
21 because we were the two people he  
22 could trust the most, you know, with  
23 his privacy and everything, which is  
24 the most important thing to him  
25 because of his nature. So, you



1 M. KAPLAN

2 know, that is why -- why we are here  
3 now. We are doing this right now is  
4 not -- obviously if I knew that I  
5 wouldn't have written that because  
6 clearly his privacy was not first  
7 and foremost. But at the time I  
8 thought it was. I thought -- yeah.  
9 So -- I don't know. That is the --  
10 irony of the whole thing is that we  
11 were told constantly not to trust  
12 the people in the office below us,  
13 but -- and nobody else was -- I have  
14 never been testifying for anybody  
15 else before so --

16 Q. Based on what you observed  
17 in working with Ms. Robinson, Ms.  
18 Robinson did set a great example of  
19 hard work, is that correct?

20 A. I wouldn't say she set a  
21 great example of hard work. I would  
22 say she set -- she set an example,  
23 in my opinion, if -- one element to  
24 being a great executive assistant,  
25 chief of staff, whatever you want to

1 M. KAPLAN

2 call it, of a person like Bob De  
3 Niro, is almost like a willingness  
4 that your life -- their life is  
5 everything. Whatever is going on in  
6 your life, I am available. Which I  
7 -- you know, always in different way  
8 felt that I did, too. So yeah. I  
9 think a lot of people come and go,  
10 they don't -- they are not there  
11 long enough to -- to -- they are not  
12 going to do that as someone that has  
13 been there a long time because they  
14 know -- so yeah. In that respect,  
15 yeah. She set a -- I thought she  
16 did set a good example of what  
17 element of what makes the job -- or  
18 what you need for the job.

19 Q. Did you find Ms. Robinson  
20 to be proactive on behalf of Mr. De  
21 Niro?

22 A. Did I find her to be -- she  
23 -- I don't know what you mean. I  
24 mean, she was proactive in the sense  
25 that she was aware of what his

1 M. KAPLAN

2 normal life was like, and was  
3 looking out for things up on the  
4 horizon that everyone needed to be  
5 aware of that were coming up.

6 Q. Was Ms. Robinson protective  
7 of Mr. De Niro?

8 A. Yes, to a point. Like I  
9 said, she, you know, we went -- the  
10 people in the office went to -- she  
11 didn't want them even connecting  
12 phone calls using their iPhones  
13 because they could be listening in.  
14 She, you know, got it in his head  
15 that she was not only protective,  
16 but she was the most protective.

17 Q. Ms. Robinson was protective  
18 of Mr. De Niro's family as well,  
19 correct?

20 A. I don't know how so. I am  
21 not saying she wasn't protective,  
22 but I don't know what you mean by  
23 that.

24 Q. Did you observe Ms.  
25 Robinson looking out for Mr. De

1 M. KAPLAN

2 Niro's best interest?

3 MR. DROGIN: Objection to  
4 the form.

5 A. I don't -- in -- in her  
6 mind, yes. I don't know. I don't  
7 know what his best interests were.

8 Q. Did Mr. De Niro ever  
9 communicate to you what he valued in  
10 Ms. Robinson's work?

11 A. Yes. That she was -- he  
12 communicated to me that -- that she  
13 was -- like she was -- you know, she  
14 made sure things ran -- got done.  
15 She made sure that she got things  
16 done. That is what he said to me.  
17 She made sure she got things done.  
18 That was his opinion of her at some  
19 point. I don't know what year that  
20 was though.

21 Q. Mr. De Niro also conveyed  
22 that he valued that Ms. Robinson was  
23 available to him, correct?

24 A. I don't think he ever, in  
25 so many words, said that to me.

1 M. KAPLAN

2 Q. Was that the message that  
3 you got though?

4 A. It was implied that he  
5 valued that she -- it was a little  
6 bit of smoke and mirrors to it, but  
7 that she -- that she would get --  
8 that she was aware of everything.  
9 She had been around so long. She  
10 knew all of the names, knew all the  
11 lingo, knew all the people. And he  
12 definitely thought she -- he didn't  
13 have a complete trust in the people  
14 in the office to know -- in a --  
15 when push came to shove, he thought  
16 Chase was a better enforcer. She  
17 could be tougher with people. She  
18 could get what he wanted, better  
19 than others could.

20 Q. During her employment with  
21 Canal, Ms. Robinson's day-to-day  
22 work varied depending on what Mr. De  
23 Niro's needs were at the time, is  
24 that right?

25 MR. DROGIN: Objection to

1 M. KAPLAN

2 the form.

3 A. Yeah. I mean, her -- her  
4 day-to-day job was, you know, it  
5 depended -- yes, if he had a movie  
6 in production, if there was a big  
7 birthday coming up, something --  
8 stuff like that. Obviously the  
9 apartment was a unique situation.

10 Q. During her employment at  
11 Canal, Ms. Robinson handled a broad  
12 range of personal tasks for Mr. De  
13 Niro, is that right?

14 A. Yes.

15 Q. Describe the personal tasks  
16 that Ms. Robinson would handle for  
17 Mr. De Niro as far as you knew?

18 A. Personal tasks that she  
19 would -- well, obviously she looked  
20 for the apartment for him.  
21 Basically I know that she -- she did  
22 a lot photo projects, for -- for his  
23 family members, which would be like  
24 taking photos, putting them in a  
25 fancy binder, making up a nice --

1 M. KAPLAN  
2 you know, for someone's -- an  
3 anniversary or a big birthday. She  
4 did -- she picked up prescriptions  
5 for him, as did I. She would --  
6 there are other examples I am sure,  
7 but I can't think of what is  
8 personal.

9 Q. During Ms. Robinson's  
10 employment at Canal, what kinds of  
11 errands do you recall Ms. Robinson  
12 performing for Mr. De Niro?

13 A. Um, I don't really recall  
14 her running a lot of errands for Mr.  
15 De Niro other than prescriptions,  
16 or, you know, sometimes she would  
17 run by like if he was filming or  
18 something, she would bring these  
19 sandwiches from this place that he  
20 liked, stuff like that, but I don't  
21 really recall her -- I don't think  
22 -- she wasn't -- he would tell her  
23 things, but then she would give it  
24 to the office, or give it to her  
25 assistant, or give it to me, as far

1 M. KAPLAN  
2 as running an errand. I don't  
3 recall her running many errands.  
4 Except I will say she did --  
5 Christmas is the other thing  
6 personal I guess you could call it.  
7 It is personal and business, but a  
8 lot of gifts for his family and  
9 stuff like that.

10 Q. Ms. Robinson assisted Mr.  
11 De Niro in selecting gifts for  
12 people in his life?

13 A. Yeah. I mean, she -- the  
14 whole Christmas operation would  
15 start in like October or November.  
16 And part of the operation would be  
17 gifts for, you know, she would go  
18 with him to stores. She -- you  
19 know, like -- I think she liked  
20 that. She would make sure he was  
21 aware, and she would try to find  
22 time. But she -- yeah, she would go  
23 with him to the stores and give him  
24 ideas for gifts for different family  
25 members.



1 M. KAPLAN

2 Q. Ms. Robinson would assist  
3 Mr. De Niro in matters relating to  
4 his former partner, Toukie Smith, is  
5 that right?

6 A. Later, yes. Yes, she  
7 assisted in -- Toukie's helper  
8 wasn't so great, and she was helping  
9 her sort of manager her -- manage  
10 her life.

11 Q. Ms. Robinson would help Mr.  
12 De Niro in finding vacation homes,  
13 is that right?

14 A. I don't recall that being  
15 -- maybe she did that once or twice,  
16 but I don't recall that.

17 Q. During her employment with  
18 Canal, what household matters did  
19 Ms. Robinson assist Mr. De Niro  
20 with, as far as you knew?

21 A. Household matters, I mean,  
22 she never -- Bob had a household  
23 staff for most of the time. It was  
24 only the apartment, setting up the  
25 apartment that would be a household

1 M. KAPLAN

2 matter. Other than that, I don't  
3 recall any household matters.

4 Actually, can I take a  
5 five-minute break here to use the --

6 Q. Sure.

7 MS. HARWIN: Why don't we  
8 resume at 11:32?

9 THE VIDEOGRAPHER: The  
10 time is now 11:27 a.m., and  
11 we are off the record.

12 (Whereupon, a recess was  
13 taken at this time.)

14 THE VIDEOGRAPHER: The  
15 time is 11:34 a.m. We are  
16 back on the record.

17 Q. As far as you knew, what  
18 were Ms. Robinson's job  
19 responsibilities when it came to Mr.  
20 De Niro's home at [REDACTED]  
[REDACTED]

22 A. She was sort of the  
23 overseer of the entire move-in  
24 operation. So, you know, she --  
25 part interior design, part just

1 M. KAPLAN  
2 making sure everything got moved in  
3 that he was -- he sort of started it  
4 from scratch. He was sort of buying  
5 furniture, TVs, hanging up new  
6 artwork, getting framed, all things  
7 were happening, and she was sort of  
8 in charge of the whole thing.

9 Q. Setting up Mr. De Niro's  
10 new home at [REDACTED] became a large  
11 project, is that right?

12 A. Yes. It was a big -- big  
13 undertaking.

14 Q. For a while setting up Mr.  
15 De Niro's home at [REDACTED] became a  
16 dominant part of Ms. Robinson' job,  
17 is that right?

18 A. Yes.

19 Q. Did Ms. Robinson express to  
20 you how she felt about having to  
21 assist Mr. De Niro in setting up his  
22 home at [REDACTED]?

23 MR. DROGIN: Objection to  
24 the form.

25 Can we hear the question

1 M. KAPLAN

2 back, please?

3 (Whereupon, the requested  
4 portion was read back by the  
5 reporter:

6 Q: Did Ms. Robinson  
7 express to you how she felt  
8 about having to assist Mr. De  
9 Niro in setting up his home  
10 at [REDACTED])

11 MR. DROGIN: Objection to  
12 the form.

13 A. I don't remember anything  
14 that she expressed about it.

15 Q. Do you recall Ms. Robinson  
16 telling you that she was pissed at  
17 all of this apartment stuff?

18 A. I mean, no. I recall -- I  
19 can recall her venting about things,  
20 but more just in general, a notion  
21 of venting about, you know, the job  
22 in general. I don't -- I don't  
23 recall specific instances of -- you  
24 know, she seemed to -- my  
25 observation was she seemed to sort

1 M. KAPLAN  
2 of relish in the -- you know, it was  
3 a very important job, it seemed, as  
4 far as where Bob was in his life at  
5 that moment. So I think she  
6 relished -- it seemed to me, that  
7 she relished in the opportunity to  
8 do a good job with it.

9 MS. HARWIN: We are going  
10 to drop in the chat what is  
11 being marked as Plaintiff's  
12 Exhibit 13, Bates stamped  
13 Canal 0049058.

14 (Whereupon, Plaintiff's  
15 Exhibit 13, Canal 0049058,  
16 was marked for  
17 identification, as of this  
18 date.)

19 A. Uh-huh.

20 Q. Turning your attention to  
21 the second page of that document?

22 A. Okay.

23 Q. Do you see where Ms.  
24 Robinson wrote, at 9:28 p.m., "I am  
25 just fucking going over there now.

1 M. KAPLAN

2 I am so pissed at all this apartment  
3 stuff."

4 Do you see that?

5 A. Yes.

6 Q. Does this refresh your  
7 recollection as to anything that Ms.  
8 Robinson expressed to you about how  
9 she felt about working on setting up  
10 Mr. De Niro's home?

11 A. Well, yeah. I was talking  
12 more about the idea of setting up  
13 the apartment. This now is more, we  
14 move to the area of he is living  
15 there, and asking -- it was like he  
16 didn't have a -- he didn't have a  
17 house staff, so things that we had  
18 never done for him before, like  
19 getting plants, or I don't know  
20 exactly what this is about, because  
21 I feel like I remember going over  
22 there at some point about plants.  
23 And I remember going there about  
24 garbage one night on a Sunday night.  
25 I don't know if that is what this

1 M. KAPLAN

2 is, but yeah. We definitely had  
3 some conversations of venting about,  
4 oh, yeah. She says here, "I don't  
5 have a fucking key." I need -- I  
6 don't know -- I don't know which --  
7 I don't know if that is with the  
8 garbage thing or not, but we had  
9 some conversations about some  
10 ridiculous asks about like or it  
11 seemed to us, plants, garbage,  
12 Christmas tree getting rid of, stuff  
13 like that that had not -- that she  
14 didn't like. Yes, that is true.

15 Q. Describe for me what you  
16 characterized as ridiculous acts  
17 that Ms. Robinson had to perform in  
18 connection with Mr. De Niro's home  
19 at [REDACTED]

20 A. Well, I mean, I am thinking  
21 off the top of my head of when he  
22 called on a Sunday, or there was a  
23 weekend where it was like the  
24 garbage -- it was like a  
25 misunderstanding that he thought he

1 M. KAPLAN  
2 was going to get fined or something  
3 if the garbage didn't go out. I  
4 don't exactly know if I am getting  
5 that right. And it made no sense,  
6 the garbage could have gone out  
7 during the week when someone was  
8 there. And he -- I know he yelled  
9 at her about it. I know because he  
10 yelled at me about it, too. And  
11 that is an example that I actually  
12 went over there that night, on a  
13 Sunday night to take the garbage  
14 out. But I am seeing her -- I said  
15 plants because I saw that on this.  
16 Take the plants inside today. I  
17 remember there was like a plant  
18 outside, and I think it got knocked  
19 over or something. Like some sort  
20 of kids doing something stupid. And  
21 there just wasn't any -- there  
22 wasn't any house staff. So it was  
23 like us basically because we had  
24 this time where the office wasn't  
25 really involved. I think partially



1 M. KAPLAN

2 because Chase was keeping them at a  
3 distance, but -- so it was just us.  
4 I can't remember. I don't remember  
5 exactly the other examples. But,  
6 yeah, it was like -- there were  
7 situations that it was going to be  
8 like -- you know, with moving things  
9 out because there was mold, or to  
10 get everything off the walls and put  
11 it back on the walls. There was a  
12 lot of back and forth that was not  
13 as -- I think Chase -- personally,  
14 it seemed like moving into the  
15 apartment she was -- that was more  
16 of an enjoyable project than once he  
17 was there.

18 Q. Once Mr. De Niro was moved  
19 into the home at [REDACTED] when there  
20 wasn't household staff, Ms. Robinson  
21 was one of the people who was  
22 filling that role of handling  
23 household matters, is that right?

24 A. Well, I wouldn't go so far  
25 as to say that. I would just say

1 M. KAPLAN  
2 there wasn't nobody to -- you know,  
3 Bob is pretty low maintenance on his  
4 own as far as he didn't need a -- it  
5 was just a different kind of living.  
6 So it just wasn't a person there.  
7 So while I did stuff, she did stuff,  
8 Lu Lu did stuff until they started  
9 hiring people to work in the  
10 apartment.

11 Q. Until Mr. De Niro hired  
12 household staff, Ms. Robinson was  
13 one of the people who was assisting  
14 Mr. De Niro on day-to-day items  
15 around his home, is that right?

16 A. Yeah, when she was there.  
17 I know there was a time when she was  
18 away during that, too. But when she  
19 was there, she would -- you know, I  
20 don't remember the division of  
21 labor, but it was sort of like all  
22 hands on deck. I would do things,  
23 Lu Lu would do a lot of things, who  
24 was her assistant, Chase would do  
25 things.

1 M. KAPLAN

2 MS. HARWIN: I am sharing  
3 another document in the chat  
4 that is being marked as  
5 Plaintiff's Exhibit 14. It  
6 is Bates stamped Canal  
7 0047918 through 923.

8 (Whereupon, Plaintiff's  
9 Exhibit 14, Canal 0047918  
10 through 923, was marked for  
11 identification, as of this  
12 date.)

13 A. You just shared it? I see  
14 it. Okay. Hold on.

15 Q. I would like to turn your  
16 attention the middle of the page,  
17 marked as 47920, on the bottom.

18 A. Okay. You mean that page  
19 below it -- above it --

20 Q. So the page that on the  
21 bottom is marked 47920. In the  
22 middle of that page, at 2:32 p.m.,  
23 did you write, "My main thing is  
24 Chase's job is mostly pointless?"

25 A. At this point, this is in

1 M. KAPLAN

2 April now. This is when we were  
3 talking -- when Tiffany was talking  
4 to the office as far as what  
5 everyone did. This is not -- yeah.  
6 I guess that I wrote that. Sure.  
7 That is my cell phone.

8 Q. What was -- what was it  
9 that made Ms. Robinson's job  
10 pointless from your perspective?

11 A. Well, I think what I was  
12 referring to was that we had a  
13 situation where she sort of oversaw  
14 everybody, but she didn't actually  
15 do a lot of things. So -- and after  
16 she was gone -- there was like kind  
17 of a discussion of replacing Chase.  
18 If Chase needed to be replaced, who  
19 would be able to do all of these  
20 things? So they needed like -- I --  
21 you know, we had good people. We  
22 had people who -- we had a bunch of  
23 people working in the office. It  
24 wasn't that she -- she did things,  
25 but there was a lot of redundancy.

1 M. KAPLAN

2 There was like two assistants doing  
3 the exact same job, where they could  
4 have divided it. There was four  
5 different people on every e-mail.  
6 There wasn't -- she delegated a lot.  
7 That type of job.

8 Q. Based on your observations,  
9 did the title of VP of  
10 Production/Finance reflect the  
11 substance of the work that Ms.  
12 Robinson performed for Mr. De Niro?

13 A. No.

14 Q. Based on your observations,  
15 did the title of Director of  
16 Production reflect the substance of  
17 the actual work that Ms. Robinson  
18 performed for my Mr. De Niro?

19 A. I mean, like I said in the  
20 beginning when you asked me, I am  
21 not a big titles guy. I don't know  
22 what -- I don't know what it -- the  
23 thing that you have to understand is  
24 that Canal Productions is a personal  
25 company that doesn't produce

1 M. KAPLAN

2 anything. So, you know, I laugh  
3 when I see the articles in the news  
4 about this case when it talks about  
5 she rose to the ranks of production,  
6 because it makes it seem like -- I  
7 wish Canal Productions produced  
8 things. I would have had a cooler  
9 title, too. But -- so no. I -- she  
10 -- it was like she was -- the most  
11 fitting title would have been chief  
12 of staff, I guess, is the way I  
13 envision the chief of staff is the  
14 person -- the is the face, answers  
15 the questions to the boss, but  
16 delegates all the other people to  
17 actually -- that is what I would  
18 know, not that I know what titles  
19 mean.

20 Q. During the time that you  
21 were employed at Canal, Canal had a  
22 practice of paying for employee's  
23 lunches every workday, is that  
24 right?

25 A. Yes.

1 M. KAPLAN

2 Q. And if an employee was  
3 working through dinner, there were  
4 circumstances where Canal would pay  
5 for that dinner as well, is that  
6 right?

7 A. I mean, I thought we  
8 already discussed this, but, yes,  
9 there were circumstances.

10 Q. During your time at Canal,  
11 were you aware of any limits on the  
12 meals expenses that Canal paid for  
13 employees?

14 MR. DROGIN: Objection to  
15 the form.

16 A. There was a time when Chase  
17 and I, as I said earlier, discussed  
18 the idea of -- she wanted at one  
19 point to give people like a per diem  
20 of like 20/\$25.00 a meal for lunch.  
21 There was an idea that like that is  
22 how much you should spend, but it  
23 was not something that was in  
24 writing. It was more of a general  
25 idea. On dinners, no. Again, I

1 M. KAPLAN

2 wasn't aware of a policy, but there  
3 was none that was given to us either  
4 by anyone else.

5 MS. HARWIN: I'm going to  
6 put into the chat what is  
7 being marked as Plaintiff's  
8 Exhibit 16 -- I'm sorry. 15.  
9 Bates stamped beginning at  
10 Canal 0030926.

11 (Whereupon, Plaintiff's  
12 Exhibit 15, Canal 0030926,  
13 was marked for  
14 identification, as of this  
15 date.)

16 A. Hold on. I screwed this  
17 up. Okay.

18 Q. If you can pull up that  
19 document, and let us know when you  
20 have it.

21 A. Right, okay.

22 MR. DROGIN: Wait for the  
23 question.

24 Q. Okay.

25 If you see the sentence in



1 M. KAPLAN

2 the first paragraph you wrote that  
3 begins, "Just pay." Can you read  
4 that sentence and the following  
5 sentence aloud?

6 A. Starting where?

7 Q. "Just pay?"

8 A. "Just pay the same way we  
9 pay for other restaurants on the  
10 business credit card if you can.  
11 Pay cash if there is some reason you  
12 can't use the card. And please  
13 order more reasonably from his  
14 restaurants than you might from  
15 outside sources." Yeah. I -- I  
16 don't remember. Like, this seems to  
17 me.

18 Q. Wait. Right now I just  
19 asked you to read it out loud, okay?

20 A. Okay.

21 Q. Okay.

22 So can you explain what you  
23 meant when you wrote, "Just pay the  
24 same way we pay for other  
25 restaurants on the business credit

1 M. KAPLAN

2 card if you can. Petty cash if  
3 there is some reason that you can't  
4 use the card?"

5 MR. DROGIN: Objection to  
6 the form.

7 A. What I meant when I wrote  
8 this e-mail was that Chase had --  
9 clearly was upset that the office  
10 was -- was ordering from (inaudible)  
11 Verde (ph) a lot, and wanted to  
12 address it. And I addressed it  
13 because I can do it in the best way  
14 to not piss everyone off who would  
15 look at the hypocrisy that she did  
16 whatever she wanted. When I say,  
17 "Just pay the same way that you pay  
18 for other restaurants," I mean, I  
19 think it is pretty self-explanatory  
20 actually. On the business credit  
21 card, which is Chase's credit card,  
22 again, because that way Chase would  
23 have more oversight because she  
24 looked at her credit cards every  
25 month and she aligned the receipts.

1 M. KAPLAN

2 And like I said earlier, petty cash  
3 was only used if there was a reason  
4 that you can't use the card.

5 Q. So from the time you wrote  
6 this e-mail, in April 13, 2015,  
7 onward, was it standard practice for  
8 employees to put their working meals  
9 on the credit card in Ms. Robinson's  
10 name when they could, and put the  
11 meals on petty cash if for some  
12 reason they couldn't use the credit  
13 card in Ms. Robinson's name?

14 MR. DROGIN: Objection to  
15 the form. You can answer.

16 A. From the time -- this  
17 e-mail is regardless. Like I said  
18 earlier, from the time -- it was  
19 standard practice to order lunch on  
20 -- almost every day they ordered  
21 lunch on the Caviar account, which  
22 was tied to Chase's credit card.  
23 The petty cash was -- was something  
24 they did very rarely, but, yes, if  
25 there was a reason. And nothing

1 M. KAPLAN  
2 really -- this e-mail is -- I mean,  
3 people ordered lunches from  
4 (inaudible) in Tribeca after this  
5 e-mail went out, but I think Chase  
6 wanted me to write this e-mail so I  
7 did.

8 MS. HARWIN: Can you read  
9 back the question?

10 (Whereupon, the requested  
11 portion was read back by the  
12 reporter:

13 Q: So from the time you  
14 wrote this e-mail, in April  
15 13, 2015, onward, was it  
16 standard practice for  
17 employees to put their  
18 working meals on the credit  
19 card in Ms. Robinson's name  
20 when they could, and put the  
21 meals on petty cash if for  
22 some reason they couldn't use  
23 the credit card in Ms.  
24 Robinson's name?)

25 MR. DROGIN: And there

1 M. KAPLAN

2 was an objection to the form.

3 A. I mean, I already -- I said  
4 this like 17 times. Yes, for lunch,  
5 I would stipulate for lunch. They  
6 didn't have access to her credit  
7 card for dinner.

8 Q. It was preferable, from  
9 Canal's perspective, that employees  
10 charge their working meals directly  
11 to the Canal credit card under Ms.  
12 Robinson's name rather than  
13 processing it through petty cash, is  
14 that correct?

15 MR. DROGIN: Objection to  
16 the form. You are asking him  
17 about Canal's process? You  
18 have a 30(b)(6) witness. He  
19 is not going to answer on  
20 behalf of Canal.

21 Q. You can answer.

22 MR. DROGIN: No, you  
23 can't. Not on behalf of  
24 Canal. If you want to --

25 MS. HARWIN: Counsel, he

1 M. KAPLAN

2 is a fact witness and he can  
3 answer the question.

4 MR. DROGIN: You asking  
5 him about Canal -- the way  
6 you --

7 MS. HARWIN: He can  
8 observe.

9 MR. DROGIN: Then you ask  
10 him what his observation was.  
11 He cannot bind Canal. You  
12 have a 30(b)(6) for that.

13 MS. HARWIN: Counsel,  
14 please stop interjecting.

15 MR. DROGIN: No, I am not  
16 going to stop. Please stop  
17 asking improper questions.  
18 You have a 30(b)(6). We have  
19 designated a witness. It is  
20 not him.

21 MS. HARWIN: Counsel,  
22 stop interrupting this  
23 deposition.

24 MR. DROGIN: Counsel,  
25 please stop doing what you

1 M. KAPLAN  
2 are doing. Your continuing  
3 to say, "Counsel, please  
4 stop" is not going to change  
5 my answer. You need to  
6 pay --

7 MS. HARWIN: You are not  
8 providing any answers. You  
9 are disrupting the  
10 deposition. Put your  
11 objection on the record as to  
12 form and stop.

13 MR. DROGIN: He is not  
14 going to answer questions  
15 about Canal. He will answer  
16 on his own on behalf. Not on  
17 behalf of Canal.

18 MS. HARWIN: Mrs. Hayden,  
19 can you repeat the question?

20 MR. DROGIN: Please read  
21 it back.

22 (Whereupon, the requested  
23 portion was read back by the  
24 reporter:

25 Q: It was preferable,

1 M. KAPLAN  
2 from Canal's perspective,  
3 that employees charge their  
4 working meals directly to the  
5 Canal credit card under Ms.  
6 Robinson's name rather than  
7 processing it through petty  
8 cash, is that correct?)

9 MR. DROGIN: Same  
10 objection. He is not here  
11 testifying on behalf of  
12 Canal.

13 A. I will state for myself,  
14 that is not true. Canal didn't  
15 care. Nobody at Canal, in my  
16 opinion, did this. This is Chase's  
17 policy. Chase wanted it on her  
18 credit card. That is my -- my -- my  
19 -- because she wanted to have  
20 oversight.

21 Q. The standard practice was  
22 for employees to put any  
23 reimbursable meals on the Canal  
24 credit card in Ms. Robinson's name  
25 when it was available, is that



1 M. KAPLAN

2 right?

3 MR. DROGIN: Objection to  
4 the form. What a muddled  
5 mess of a record you are  
6 making. What an  
7 embarrassment.

8 A. Like I said, the standard  
9 practice was to order lunches on her  
10 credit card, yes. That is -- that  
11 is --

12 Q. That is not what I -- that  
13 is not my question.

14 A. I can't answer for a  
15 standard practice because I don't  
16 have a -- I don't know what people  
17 did for every single meal. I just  
18 know the standard practice was when  
19 they ordered lunch, yes, to use her  
20 credit card. That was a practice  
21 she designed, and they followed when  
22 they could.

23 Q. When -- when was that  
24 practice implemented as far as you  
25 understand, that employee's lunches

1 M. KAPLAN

2 would be paid through the Canal  
3 credit card under Ms. Robinson's  
4 name?

5 A. I don't remember when that  
6 started because we used to -- if you  
7 remember in the old days, we used to  
8 call up and pay in cash for things  
9 because it was not as normal to put  
10 a credit card over the phone, but I  
11 don't remember when.

12 Q. Do you have any sense at  
13 all of approximately when that --

14 A. No, no. I mean, it  
15 probably -- I don't know. 2013, but  
16 I am really just guessing. I really  
17 don't know.

18 Q. So it was a long-time  
19 practice in excess of, you know,  
20 five years before Ms. Robinson's  
21 employment ended, is that right?

22 MR. DROGIN: Objection to  
23 the form. He has just told  
24 you that he is guessing.

25 A. It was -- yeah, it was a

1 M. KAPLAN

2 practice for several years. I don't  
3 know the exact year that -- to use  
4 her card for business purchases in  
5 which the office lunches were  
6 considered.

7 Q. Did you ever speak to Mr.  
8 De Niro directly about Canal paying  
9 for any meals for employees?

10 A. No.

11 Q. During your employment at  
12 Canal, what were the circumstances  
13 when Canal would pay for employees  
14 to take taxis, Uber, or Lyfts?

15 MR. DROGIN: Objection to  
16 the form.

17 A. My understanding was that  
18 when I started, basically the person  
19 who was the -- who had the -- we  
20 called it the batch fund (ph) back  
21 then, which was the phone that Bob  
22 would call when he need something,  
23 they took taxis everybody because  
24 you subway -- you couldn't use a  
25 cell phone on the subway. In the

1 M. KAPLAN

2 later years it became a thing where  
3 you could do it if -- again, like I  
4 said earlier, like I would -- if it  
5 was the fastest way to get somewhere  
6 that we needed to go, if you were  
7 carrying anything valuable, if it  
8 was late at night, you could -- you  
9 could expense a taxi or an Uber.  
10 But reasonable that you had to  
11 replace it.

12 Q. If a Canal employees was  
13 taking a taxi, Uber or Lyft to or  
14 from Mr. De Niro's home, Canal would  
15 pay for that taxi, Uber or Lyft,  
16 correct?

17 A. Well, if it was -- not if  
18 it was during a workdays. I mean, I  
19 think that a lot times people would  
20 take the subway to go to the home.  
21 I took the subway plenty of times to  
22 go to his own. There had to be a  
23 reason. If it was a nighttime, or  
24 bringing something, again, like  
25 valuable to his home, then yes, of

1 M. KAPLAN  
2 course. It depended on the  
3 situation. But Chase didn't -- she  
4 didn't ride the subway, so I knew  
5 that a lot of the trips were hers.

6 Q. Did you understand the  
7 reason why Ms. Robinson would take  
8 taxis, Ubers, or Lyfts rather than  
9 taking the subway?

10 MR. DROGIN: Objection to  
11 the form.

12 A. My understanding was she  
13 did you not ride the subway for  
14 anything. Let alone the -- workday  
15 or not a workday.

16 Q. If a Canal employees was  
17 taking a taxi, Uber, or Lyft to or  
18 from a meeting with Mr. De Niro,  
19 Canal would pay for that  
20 transportation, is that right?

21 A. Again, there is no -- if  
22 you are going to meet with Mr. De  
23 Niro, there was no like policy you  
24 get to take a taxi now. There was  
25 -- you know, you took the subway if

1 M. KAPLAN

2 it was during the workday, unless,  
3 again, unless you were bringing  
4 something like a script or something  
5 that had to -- I always took  
6 whatever I thought was fastest. I  
7 rode the subway many, many times  
8 during the office day. It was  
9 faster to get to the Upper West Side  
10 in a taxi. But some people might  
11 have taken taxis, I am sure,  
12 sometimes, of course.

13 Q. And if a Canal employee  
14 needed a taxi, Uber, or Lyft to run  
15 an errand for Mr. De Niro, Canal  
16 would pay for that taxi Uber, Lyft,  
17 is that right?

18 MR. DROGIN: Objection to  
19 the form.

20 A. If they needed a taxi,  
21 Uber, or Lyft, yes. It was rarer  
22 and rarer as the years went on  
23 because of the Internet to run an  
24 errand. But yes, Canal would pay  
25 for it if it was -- if it was

1 M. KAPLAN

2 deemed. Obviously, if there was a  
3 reason.

4 Q. If a Canal employee needed  
5 to take a taxi, Uber, Lyft to meet  
6 with Mr. De Niro, Canal would pay  
7 for that taxi, Uber, Lyft, is that  
8 right?

9 MR. DROGIN: Objection to  
10 the form.

11 A. I feel like you keep asking  
12 the same question.

13 If a Canal employee had a  
14 reason to take the taxi for this  
15 meeting, then they would pay for it.  
16 That was my understanding of the  
17 policy. Not just for meeting with  
18 him, no.

19 Q. The circumstances in which  
20 a Canal employee, you know, was  
21 permitted to charge a taxi, Uber, or  
22 Lyft was not limited to meeting in  
23 person with Mr. De Niro, is that  
24 right?

25 MR. DROGIN: Objection to

1 M. KAPLAN

2 the form.

3 A. Right. It wasn't -- right.

4 Q. At times you took taxis and  
5 Ubers with Ms. Robinson, correct?

6 A. Yes.

7 Q. And taxis and Ubers that  
8 you took with Ms. Robinson, in  
9 connection with your work at Canal,  
10 were charged to Canal's credit  
11 cards, correct?

12 A. Yes. But again, I would --

13 Q. That is -- that is --

14 A. I would take the subway. I  
15 was with her so we took a taxi.

16 Q. I understand.

17 So the question is, when  
18 you would take taxis or Ubers with  
19 Ms. Robinson for your work at Canal,  
20 that would be charged to a Canal  
21 credit card, correct?

22 MR. DROGIN: Objection to  
23 the form.

24 A. Yes.

25 MR. DROGIN: And you cut



1 M. KAPLAN  
2 the witness off in the middle  
3 of his answer. Just so the  
4 record is clear that he was  
5 continuing to elaborate and  
6 you stopped him. Do you want  
7 him to finish his answer?

8 MS. HARWIN: The witness  
9 has stopped talking so I  
10 understand the answer is  
11 complete.

12 A. I -- I -- I -- I rode a  
13 taxi when I was with Chase. It was  
14 implied. She was always going to  
15 take a taxi somewhere. So, yes, of  
16 course you are not going to turn  
17 down a taxi ride to take the subway  
18 if someone is telling you to take a  
19 taxi. So, yes, we rode the taxi  
20 together.

21 Q. Did you ever have  
22 discussions with Mr. De Niro about  
23 Canal paying for employees'  
24 transportation?

25 A. No.

1 M. KAPLAN

2 Q. Okay.

3 MS. HARWIN: We are  
4 sharing a document that we  
5 are marking as Plaintiff's  
6 Exhibit 16.

7 (Whereupon, Plaintiff's  
8 Exhibit 16, Canal 0048105  
9 0048109, was marked for  
10 identification, as of this  
11 date.)

12 MR. DROGIN: Can we hear  
13 the last question read back,  
14 please?

15 (Whereupon, the requested  
16 portion was read back by the  
17 reporter:

18 Q: Did you ever have  
19 discussions with Mr. De Niro  
20 about Canal paying for  
21 employees' transportation?)

22 MR. DROGIN: By  
23 transportation, just for  
24 clarification, you are  
25 including any method of

1 M. KAPLAN

2 transportation, is that  
3 right?

4 MS. HARWIN: Yes.

5 Q. Mr. Kaplan, if you turn  
6 your attention to the page of the  
7 exhibit that is marked as Canal  
8 00481, and let us know when you are  
9 there.

10 A. Yeah.

11 Q. Okay.

12 Can you read out loud the  
13 message that you wrote at 8:02 p.m.?

14 A. 8:02 p.m.?

15 Q. It is at the top of that --  
16 yes. 8:02 p.m.

17 A. "Tammie already bragging to  
18 me that she is keeping her corporate  
19 card as long as she is a consultant  
20 so she can go for dinner sometime (I  
21 will delay this forever) - This is  
22 why the Chase thing is tricky what  
23 she did isn't abnormal it's just she  
24 took it to such an insane degree."

25 Q. Your phone number is

1 M. KAPLAN

2 646-872-4897, is that right?

3 A. That is correct.

4 Q. Is this a text conversation  
5 between you, Sabrina Weeks-Britain  
6 and Gillian Spear?

7 A. It appears to be, yes.

8 Q. When you wrote about quote,  
9 "The Chase thing," unquote, what did  
10 you mean?

11 A. What did I mean? Again,  
12 this a text I wrote almost three  
13 years ago, 2019. Yeah, two and a  
14 half years ago. I don't know what I  
15 meant, but, you know, her credit  
16 card -- Chase -- it probably this  
17 case, right? Is that what I meant?  
18 I don't know. Probably. But I  
19 can't tell you for sure what I meant  
20 because it was a few years ago.

21 Q. When you wrote, "The Chase  
22 thing is tricky. What she did isn't  
23 abnormal," what did Ms. Robinson do  
24 that wasn't abnormal?

25 A. I am talking to Sabrina and

1 M. KAPLAN

2 Gillian here who were like under --  
3 like they were appalled more so than  
4 I was at how much Chase spent on  
5 things because they were under such  
6 tight lock and key. So --

7 Q. Mr. Kaplan, I just want you  
8 to focus on my question.

9 A. I am answering your  
10 question.

11 Q. I appreciate it. Because  
12 we do have limited time, I just want  
13 to make sure that we focus on the  
14 question that is asked.

15 MS. HARWIN: Madam Court  
16 reporter, can you read again  
17 what the question is?

18 Q. And Mr. Kaplan, just listen  
19 closely to what the question is, and  
20 just focus your answer on that.

21 (Whereupon, the requested  
22 portion was read back by the  
23 reporter:

24 Q: When you wrote, "The  
25 Chase thing is tricky. What

1 M. KAPLAN

2 she did isn't abnormal," what  
3 did Ms. Robinson do that  
4 wasn't abnormal?)

5 A. Using your company credit  
6 card, to, you know, she would take  
7 go to these meals at Cappa Bosso  
8 (ph) and other places where she  
9 spent -- you know drop a thousand  
10 dollars at a time, \$1,500, whatever  
11 it was. My point was it is not  
12 abnormal in the business world, in  
13 my observation for people to enjoy  
14 the perks of having a corporate card  
15 and having dinners. Chase just, you  
16 know, did it more so than most that  
17 I -- than people I know. I believe  
18 that is what I mean here.

19 Q. What types of expenses did  
20 Ms. Robinson charge that were not  
21 abnormal?

22 A. That were not abnormal?  
23 What do you mean?

24 MR. DROGIN: Objection to  
25 the form.

1 M. KAPLAN

2 A. You mean what things were  
3 normal? Is that what we are asking?

4 Q. Yes.

5 What categories of expenses  
6 did Ms. Robinson charge to Canal  
7 that were normal for Canal  
8 employees?

9 MR. DROGIN: Objection to  
10 the form.

11 A. I mean, I don't -- again, I  
12 didn't have -- like look over her  
13 credit card every month, but she --  
14 her -- she charged her phone bill.  
15 She wasn't on our phone bill, but I  
16 guess that is still -- that is not  
17 totally normal, but it was an  
18 expense that everyone was paid for.  
19 She charged, you know, like we said,  
20 coffee, and lunches, that was --  
21 that was okay -- considered okay.  
22 And I don't know what -- I don't  
23 really know what she spent her  
24 credit card on so I don't know. We  
25 didn't have an official policy like

1 M. KAPLAN  
2 we discussed. So I don't know  
3 exactly, you know -- a lot of the  
4 things on her credit cards were  
5 bills, like AT&T bills. Like they  
6 were just like business expenses.  
7 So I -- yeah, those would be the  
8 normal things.

9 Q. And transportation was also  
10 a normal expense, is that right?

11 MR. DROGIN: Objection to  
12 the form. Can you define  
13 transportation?

14 MS. HARWIN: Let me limit  
15 it to taxis, Ubers, and  
16 Lyfts.

17 Q. Charging taxis, Ubers, and  
18 Lyfts is not abnormal at Canal, is  
19 that right?

20 MR. DROGIN: Objection to  
21 the form.

22 A. Right. It was not  
23 abnormal. It was just that --  
24 again, it was like -- as I wrote  
25 here, Chase would take a lot more



1 M. KAPLAN  
2 taxis and a lot more Ubers. It was  
3 she had -- her number -- it was  
4 abnormal to a degree, not in what  
5 she was doing I guess is how I  
6 looked at it.

7 Q. To your knowledge, did  
8 Canal have a practice of paying  
9 certain employees for their unused  
10 vacation days?

11 MR. DROGIN: Objection.  
12 If you want him to answer  
13 this question about Canal's  
14 practices, my position is we  
15 are not going to produce a  
16 30(b)(6) witness. So you  
17 ought to clarify. I will  
18 give you the opportunity. If  
19 you want it from his mouth,  
20 and you want him to bind  
21 Canal. If not, I suggest you  
22 save this for the 30(b)(6).

23 MS. HARWIN: Counsel, I  
24 am allowed to ask him this  
25 question.

1 M. KAPLAN

2 MR. DROGIN: You are  
3 allowed to ask him questions  
4 about his experience, not  
5 Canal.

6 Q. During your employment at  
7 Canal, Mr. Kaplan, did Canal have a  
8 practice of paying certain employees  
9 for their unused vacation days?

10 A. That was a practice that  
11 Chase created at Canal during my  
12 time that affected her and me.

13 Q. When was -- when was the  
14 practice of paying for your unused  
15 vacation days implemented?

16 A. I don't -- I would -- I  
17 don't know the exact year. It was  
18 at some point during my time. I  
19 don't know which year. I am sure  
20 that Berdon can tell you that, but I  
21 don't know.

22 Q. You were paid for your  
23 unused vacation days beginning in  
24 2008, is that right?

25 A. I said I don't know. So I

1 M. KAPLAN

2 don't know. Maybe. I don't know.

3 Q. It was a long-time practice  
4 during your employment for Canal to  
5 pay --

6 A. I don't think in 2008.  
7 Because -- again, this is something  
8 that Chase -- that is an idea that  
9 Chase came up with to sort of --  
10 Chase was good with coming up with  
11 ideas to sort of like, well, you are  
12 not getting a raise, but, and this  
13 is one of the ideas that she came up  
14 with. Which obviously I am not  
15 going to object to getting paid more  
16 money as most people wouldn't. I  
17 don't remember it being exact 2008,  
18 but if you are telling me it was  
19 2008, I don't know what year it was.

20 Q. So describe for me  
21 everything you were told about being  
22 paid for unused vacation days?

23 A. Chase would call me up, and  
24 say, "I need to know how many  
25 vacation days you didn't use ASAP."

1 M. KAPLAN

2 And I would figure it out. I would  
3 go through my calendar and figure  
4 out when I was on vacation, when I  
5 was away. And then she would give  
6 the information to Michael Tasch, at  
7 Berdon, and then when the paychecks  
8 would come around Christmas time,  
9 there would be like -- that would be  
10 like a bonus to get paid more in one  
11 paycheck for a day rate based on how  
12 much your salary was.

13 Q. Describe for me everything  
14 you were told about when this policy  
15 of paying for unused vacation days  
16 was implemented?

17 MR. DROGIN: Objection to  
18 the form.

19 A. What I just told you. I  
20 don't know -- there was no  
21 conversation about the policy other  
22 than what I just told you. That was  
23 it.

24 Q. You previously testified  
25 about this benefit being provided in

1 M. KAPLAN

2 lieu of a raise. So tell me  
3 everything that you were told about  
4 the policy of paying for your unused  
5 vacation days?

6 MR. DROGIN: Objection to  
7 the form. Go ahead.

8 A. I don't remember a specific  
9 conversation we had. I just  
10 remember at some point Chase had  
11 this idea that we were working all  
12 the time and missed out on vacation,  
13 so -- but I don't remember the  
14 specifics of how this policy came to  
15 be.

16 Q. As far as you knew, Canal  
17 paid you and Ms. Robinson for your  
18 unused vacation days, is that right?

19 A. Yes. As far as -- but  
20 based on what we said were unused  
21 vacation days.

22 Q. If you ended up working  
23 through a holiday, or a day when you  
24 were traveling, were you entitled to  
25 be paid back for that vacation day?

1 M. KAPLAN

2 A. Canal had no policy or  
3 anything of that nature, so that was  
4 -- no. Not to my knowledge. I  
5 worked many -- I can remember -- I  
6 worked many Saturdays for parties  
7 and whatnot, and it was not  
8 considered -- you know, get like a  
9 day back. So if -- the vacation  
10 days, it was more literally how many  
11 times did you go on vacation, days  
12 off you took for personal reasons or  
13 whatever, and then subtract that  
14 from -- we would have discussions  
15 where Chase would say that she was  
16 -- I think what we are going to do  
17 is based on how many years you are  
18 going to extend your -- like each  
19 year we had a vacation day. So the  
20 total went up from like, I don't  
21 know, 14 to like 20 or something of  
22 how many vacation days we got. But  
23 that is all -- but I don't remember  
24 that -- that is the best way I can  
25 answer it.

1 M. KAPLAN

2 Q. As far as you recall, Ms.  
3 Robinson would travel abroad from  
4 time to time, is that right?

5 A. Yes, she traveled abroad  
6 pretty -- fairly frequently.

7 Q. Okay.

8 And as far as you know, Ms.  
9 Robinson would arrange her travel  
10 around Mr. De Niro's schedule, is  
11 that what you recall?

12 MR. DROGIN: Objection to  
13 the form.

14 A. No. I don't recall it that  
15 way.

16 Q. Okay.

17 Do you recall any  
18 circumstances where Ms. Robinson  
19 would arrange her travel around Mr.  
20 De Niro's schedule?

21 A. I recall with Christmas she  
22 would want to know when he was going  
23 on his trips, but there were times  
24 where she left before him, too, so  
25 that didn't always even matter, but

1 M. KAPLAN

2 yeah.

3 Q. Do you recall circumstances  
4 where Ms. Robinson would change her  
5 flight plans to accommodate Mr. De  
6 Niro?

7 A. I recall circumstances  
8 where she would change her flight  
9 plan. I don't recall to specific  
10 reasons of why she would change her  
11 flight plans.

12 MS. HARWIN: I am going  
13 to drop in the chat Exhibit  
14 17, which is Canal 0050288  
15 through 29 -- through 89.  
16 Apologies.

17 (Whereupon, Plaintiff's  
18 Exhibit 17, Canal 0050288  
19 through 89, was marked for  
20 identification, as of this  
21 date.)

22 Q. Do you see the paragraph at  
23 the bottom of the e-mail where you  
24 say, "As for e-mails?"

25 A. Yes.



1 M. KAPLAN

2 Q. Can you read out loud the  
3 first two sentences of that  
4 paragraph?

5 A. "As for e-mails she did  
6 send some during Xmas break but not  
7 sure how important. Do you want me  
8 to get Bob's phone records to show  
9 all the outgoing calls he made to  
10 her over vacations?"

11 Q. Did you ever access Mr. De  
12 Niro's phone records from the times  
13 when Ms. Robinson had been  
14 traveling?

15 A. I believe I got the phone  
16 records. I don't believe they were  
17 very informative because I don't  
18 believe there were a lot calls, but  
19 I don't -- I don't remember that  
20 well. This was a while ago. And I  
21 don't know if I got them for that  
22 specific time period. I had some  
23 phone records, but --

24 MS. HARWIN: Counsel we  
25 would request the production

1 M. KAPLAN

2 of the phone records that  
3 were used as part of Canal's  
4 investigation into Ms.  
5 Robinson.

6 Q. As far as you were aware,  
7 when Ms. Robinson was traveling, she  
8 would typically continue to have  
9 daily phone calls with Mr. De Niro,  
10 is that right?

11 MR. DROGIN: Objection to  
12 the form.

13 A. As far as I was aware, she  
14 still talked to him depending --  
15 yes. But I don't know how  
16 frequently.

17 Q. And when Ms. Robinson was  
18 traveling, she would still be  
19 e-mailing daily with Canal  
20 employees, is that right?

21 MR. DROGIN: Objection to  
22 the form.

23 A. She would be sending out  
24 e-mails, yes. But it is -- it  
25 wasn't -- people would not be

1 M. KAPLAN

2 e-mailing her if they knew she was

3 -- unless there was something, I

4 mean, I imagine, urgent, so --

5 Q. Do you recall trips Ms.

6 Robinson would take where she would

7 continue to work New York hours even

8 if she was abroad in a different

9 time zone?

10 A. Yeah. I remember when she

11 used to go to Spain, I believe, she

12 liked that she would -- because she

13 could get up and do a run, and

14 whatever. And then she -- it was

15 like she was available. But --

16 because she was there for like a

17 month or long time. It wasn't like

18 a -- so, yeah. She was available as

19 far as she would answer her phone

20 usually or reply to e-mails

21 eventually. She was available. She

22 had Internet. It wasn't like she

23 wasn't available. But you know,

24 again, when I would go on vacation,

25 I would still -- things would come

1 M. KAPLAN

2 up. I would be available as well.

3 Q. Who at Canal was aware of  
4 the policy of Canal paying you and  
5 Ms. Robinson for your unused  
6 vacation days?

7 A. I don't know if anybody was  
8 aware of it until I believe this was  
9 a source -- this might have been a  
10 source of contention between myself  
11 and members of the office after  
12 Chase left because I don't think  
13 they were aware of that previously,  
14 but I -- I could be remembering that  
15 wrong.

16 Q. Were you ever told that it  
17 was improper for you to be paid back  
18 for any of your unused vacation  
19 days?

20 A. No.

21 Q. If Ms. Robinson worked  
22 through a day when she was traveling  
23 abroad, was there anything improper  
24 for her to be reimbursed for that  
25 vacation day?

1 M. KAPLAN

2 MR. DROGIN: Objection to  
3 the form.

4 A. I don't -- I don't think I  
5 am qualified to answer if she is --  
6 I don't know what defines a vacation  
7 day. I am not a -- an expert in  
8 these things. But she -- it -- it  
9 struck me as the cost -- it was like  
10 great to get the nine days, or six  
11 days, or whatever I got. It is like  
12 you don't get mad at somebody else  
13 getting more. Did I find it a  
14 little ridiculous that she was  
15 saying no, that she took no vacation  
16 days all year, yes. But I am not,  
17 again -- it is not -- it is like you  
18 -- she created a policy. So it is  
19 not -- again, this was not a thing  
20 that I argued with because I don't  
21 know what defines a vacation day.

22 Q. From your perspective,  
23 there wasn't anything improper about  
24 Ms. Robinson being reimbursed for a  
25 vacation day if she was away, but

1 M. KAPLAN

2 ended up working the entire day, is  
3 that right?

4 MR. DROGIN: Objection to  
5 the form. Speaking on behalf  
6 of yourself else.

7 A. Yeah. I -- I mean, I don't  
8 think she was working all day. So I  
9 don't know how to answer that. I'm  
10 not -- I'm not -- I don't know how  
11 to answer that. I'm sorry. I have  
12 no opinion.

13 Q. Have you ever returned any  
14 money to Canal for vacation days  
15 that you were paid for?

16 A. Have I? No.

17 Q. Have you ever been asked to  
18 return any money to Canal for  
19 vacation days that you were paid  
20 for?

21 A. I have not been asked. I  
22 also made a lot less money than  
23 Chase.

24 Q. When -- has anyone raised  
25 any concerns to you about you being

1 M. KAPLAN

2 reimbursed for your vacation days?

3 A. I believe Tiffany might  
4 have at that meeting that we talked  
5 about earlier. But I -- I didn't  
6 actually -- but I don't -- again, I  
7 don't want to -- I don't know for  
8 sure. But that was after the fact  
9 and -- I never was reimbursed again  
10 for vacation days after Chase left.

11 Q. Did you have any concerns  
12 about Canal including in its lawsuit  
13 against Ms. Robinson claims relating  
14 to her being repaid for vacation  
15 days?

16 A. Did I have -- no, because  
17 she -- I mean, I was asked things  
18 that I knew if they were true or  
19 not, and she had been reimbursed for  
20 all of these days. I knew that.  
21 And she -- I am not -- again, like I  
22 don't know what defines a vacation  
23 day. I just know she went away a  
24 lot. So it seems justified.

25 Q. Describe for me all the

1 M. KAPLAN  
2 types of expenses for Canal  
3 employees that would be placed on  
4 the Canal American Express card  
5 under Ms. Robinson's name?

6 MR. DROGIN: Objection to  
7 the form. I think we are  
8 done. I think we are done.  
9 I think we ought to take a  
10 break and call the Court at  
11 this point.

12 MS. HARWIN: Counsel,  
13 please stop.

14 MR. DROGIN: We are  
15 leaving. Okay? We are going  
16 to take a break.

17 MS. HARWIN: Counsel,  
18 stop.

19 MR. DROGIN: I am asking  
20 -- I am asking -- I am asking  
21 you to stop the deposition.  
22 I want a ruling from the  
23 Court. I want a ruling on  
24 the Court.

25 MS. HARWIN: You are



1 M. KAPLAN

2 interrupting the deposition.

3 MR. DROGIN: I am

4 stopping the deposition. I

5 am not interrupting. I am

6 stopping it, and I am asking

7 that we get a ruling from the

8 Court.

9 MS. HARWIN: I would like

10 to complete this line of

11 questioning. Thank you.

12 MR. DROGIN: You have

13 completed it eight times

14 already. You have completed

15 it eight times. You are

16 asking the same question

17 over, and over, and over

18 again. You have had three or

19 four passes at it. It is the

20 same question.

21 Q. Mr. Kaplan, other than

22 meals and transportation expenses,

23 were there any other categories of

24 expenses for Canal employees that

25 were placed on the Canal American

1 M. KAPLAN

2 Express card under Ms. Robinson's  
3 name?

4 MR. DROGIN: Objection to  
5 the form. Do you want him to  
6 look at the document that  
7 answers your question or is  
8 this a quiz? Do you just  
9 want to test his memory?

10 MS. HARWIN: No document  
11 to look at. I am asking a  
12 question.

13 MR. DROGIN: You showed  
14 him -- you showed him a  
15 three-page spreadsheet.

16 MS. HARWIN: That was not  
17 -- that was the petty cash  
18 spreadsheet. That wasn't  
19 this.

20 MR. DROGIN: Then you  
21 don't understand where the  
22 petty cash came from. But go  
23 ahead.

24 MS. HARWIN: Counsel,  
25 please stop.

1 M. KAPLAN

2 A. So the question is did --  
3 what types of things did the  
4 employees put on the business credit  
5 card?

6 Q. What types of expenses,  
7 other than meals and transportation,  
8 for Canal employees, were charged on  
9 the Canal credit card?

10 MR. DROGIN: Objection to  
11 the form.

12 MS. HARWIN: Let me  
13 rephrase that.

14 Q. What expenses for Canal  
15 employees, other than meals and  
16 transportation, were placed on the  
17 Canal American Express in Ms.  
18 Robinson's name?

19 A. There would only be -- for  
20 Canal employees, on her credit card,  
21 there would be if there was gifts  
22 purchased for birthdays or  
23 Christmas. Other than that, there  
24 wouldn't be anything. I mean, there  
25 be -- I can't think of what you

1 M. KAPLAN

2 would use the credit card for. I  
3 mean, like I said, bills and stuff.  
4 But that -- if they have a phone on,  
5 but I think that is it.

6 Q. Did Canal's office stock  
7 any food or drinks for employees  
8 during the day?

9 A. Just like water bottles.  
10 We have Fiji water bottles.  
11 Occasionally we would have some  
12 snacks. But usually it was more of  
13 like people would get, you know,  
14 someone would run out and get coffee  
15 and maybe get some cookies or  
16 something from some place. That  
17 type of thing.

18 Q. And food or snacks for the  
19 Canal office was a category of  
20 expenses that would go on the credit  
21 card in Ms. Robinson's name, is that  
22 correct?

23 A. Yes. I am counting that as  
24 meals, but yes, in my mind.

25 Q. From time to time you were

1 M. KAPLAN

2 sent copies of Canal's American  
3 Express cards bills, is that right?

4 A. Yes.

5 Q. And what were you supposed  
6 to do when it came to looking over  
7 Canal's American Express bills?

8 A. I didn't -- I don't think  
9 there was a real role other than  
10 just you have a copy of it in case  
11 you need to go over anything.

12 Q. Can you repeat that answer?

13 A. I said, I didn't do  
14 anything with the information other  
15 than if we needed to go over  
16 anything I had copy. But we -- I  
17 don't -- I didn't have a specific  
18 thing to do when I got the credit  
19 card bill.

20 Q. Mr. De Niro didn't have a  
21 doorman at his home at [REDACTED], is that  
22 right?

23 A. That is right.

24 Q. Did Mr. De Niro ever have  
25 items delivered to Ms. Robinson's

1 M. KAPLAN

2 home instead of his home?

3 A. I have no -- I have no way  
4 of knowing.

5 Q. Okay.

6 A. I mean, she -- she would  
7 order things to be delivered. I  
8 would imagine she had things  
9 delivered that she would then bring  
10 to the apartment, if that is what  
11 you are asking, yes. But Mr. De  
12 Niro didn't. She did.

13 Q. It was common for items to  
14 be delivered to Ms. Robinson's home  
15 and then brought to Mr. De Niro's  
16 home, is that right?

17 MR. DROGIN: Objection to  
18 the form.

19 A. I don't know how common it  
20 was, but I imagine that was done,  
21 yes.

22 Q. Did Mr. De Niro typically  
23 have flowers in his home?

24 A. Not that I can remember.  
25 He had plants. I don't know if

1 M. KAPLAN

2 plants count as flowers.

3 Q. Let me rephrase.

4 Did Mr. De Niro typically  
5 have plants in his home?

6 A. He had plants in his home,  
7 yes.

8 Q. Do you recall Ms. Robinson  
9 ever ordering flowers or plants that  
10 would be picked up and brought to  
11 Mr. De Niro's home?

12 A. I don't remember how they  
13 got there. I remember we had these  
14 plants that Chase was -- she liked.  
15 So she picked out for his home, that  
16 were complicated to order, if I  
17 remember correctly. But I don't  
18 think flowers. I think it was just  
19 plants.

20 Q. Do you recall Ms. Robinson  
21 ever bringing flowers or plants to  
22 Mr. De Niro's home?

23 A. Like I said, I remember  
24 plants coming to the home. I don't  
25 remember if she brought them. I am

1 M. KAPLAN

2 sure she ordered them. I don't know  
3 how they got there. We had plants  
4 outside, planters that got knocked  
5 over. We had plants in this big  
6 thing inside. They might have been  
7 -- I think they were delivered  
8 though because they were big. But  
9 she ordered them or her or Lu Lu,  
10 her assistant, would have ordered  
11 them.

12 Q. Do you recall Ms. Robinson  
13 ever bringing plants or flowers to  
14 Canal's office?

15 A. Yes. I recall her --  
16 again, not bringing. I recall  
17 delivered. We had plants in the  
18 office. Flowers would only be if it  
19 was like someone's birthday or  
20 something. But, you know, she might  
21 have gotten flowers for -- if it was  
22 Gillian or Sabrina's birthday. It  
23 sounds like something that she would  
24 have done from Bob. But -- but we  
25 had plants in the office, you know,



1 M. KAPLAN

2 it was like a one-time purchase and  
3 someone would water them, and they  
4 would die, and we would get them  
5 again.

6 Q. Can you explain for me what  
7 role Berdon, LLP, played with  
8 respect to Canal's finances?

9 MR. DROGIN: Objection to  
10 the form. Limited to your  
11 own person knowledge.

12 A. To my knowledge, they -- I  
13 mean, they were his -- whatever you  
14 call it, financial managers,  
15 accountants, they did his taxes,  
16 they paid -- they had access to the  
17 checking. We didn't have any access  
18 to the checking account, so if it  
19 was a bill that had to be paid, they  
20 paid all the bills. Chase tried to  
21 minimize them by paying anything  
22 that we could pay on the credit card  
23 we would do. But, you know, they  
24 were involved in everything.  
25 Anything that was like a charity,

1 M. KAPLAN

2 anything that was -- anything tax  
3 related obviously.

4 Q. Did there come a time when  
5 Ms. Robinson began regularly working  
6 out of her home for Canal?

7 A. She -- at some point, I  
8 don't remember when. She -- when  
9 she was in New York she would  
10 regularly work out -- yes, of her  
11 home. I don't -- I can't -- you can  
12 tell me the day, but I don't know  
13 when that was.

14 Q. Are you aware of Mr. De  
15 Niro ever allowing Ms. Robinson to  
16 use the reward points generated by  
17 Canal's credit cards to purchase her  
18 flights?

19 A. I was aware that she had  
20 she could use the miles. I never  
21 had a conversation with him about  
22 it, but yes. She used his miles for  
23 flights.

24 Q. Over what period are you  
25 aware of her using the reward points

1 M. KAPLAN

2 generated by Mr. De Niro's -- I'm  
3 sorry.

4 Over what period are you  
5 aware of Ms. Robinson using the  
6 reward points generated by Canal's  
7 credit card to book flights?

8 A. The way I remember is from  
9 I wanted to say at some point early  
10 on in her tenure she had because Bob  
11 had a lot of points that no one had  
12 ever used. I believe -- the way I  
13 recall it, was that around 2013 when  
14 somebody was fired named Olivia, she  
15 made -- she basically told Bob it is  
16 ridiculous what was going on with  
17 the miles. In my mind, there was --  
18 there was a gap where Chase didn't  
19 use the miles, and then she started  
20 using them again, maybe a year or so  
21 later. She used them up until she  
22 left. I never -- but I don't have  
23 any sort of -- like we never had a  
24 -- there was no -- there was no  
25 office policy on miles other than

1 M. KAPLAN

2 the fact that she used them in most  
3 cases. But I don't -- we didn't --  
4 I don't know exactly the dates.

5 Q. Turning to your testimony  
6 about Olivia Jampol, can you clarify  
7 what it is that you understand  
8 Olivia Jampol speaking to Mr. De  
9 Niro about, in 2013, with respect to  
10 the miles?

11 A. I believe she, you know,  
12 said that there is a bunch of  
13 ridiculous things going on here.  
14 And my -- my understanding of it is  
15 that -- he told her to stop using  
16 the miles at that point and she  
17 stopped using them. At some point  
18 she started using them again. So I  
19 don't know if she had another  
20 conversation with him. I really  
21 don't know, but it was a --  
22 definitely implied that she did, but  
23 I don't know for sure. I never  
24 talked to him about it.

25 Q. Okay.

1 M. KAPLAN

2 So you never spoke to Ms.  
3 Robinson or Mr. De Niro about  
4 whatever arrangement there was with  
5 respect to Ms. Robinson using the  
6 reward points generated by Canal's  
7 credit card to purchase frights, is  
8 that right?

9 A. That is right. He -- he  
10 would not have a clear understanding  
11 of what we were talking about I  
12 don't think.

13 MS. HARWIN: I am going  
14 to drop into the chat what I  
15 am going to mark as  
16 Plaintiff's Exhibit 18, which  
17 is Bates stamped Canal  
18 0055358.

19 (Whereupon, Plaintiff's  
20 Exhibit 18, Canal 0055358,  
21 was marked for  
22 identification, as of this  
23 date.)

24 Q. Let us know when you have  
25 been able to open that?

1 M. KAPLAN

2 A. Yes.

3 Q. Do you recall this as an  
4 e-mail that you wrote on January  
5 2nd, 2018?

6 A. Yes.

7 Q. In this e-mail, you wrote,  
8 "I now have no idea if she is still  
9 using Bob's miles for herself."

10 Do you see where you wrote  
11 that?

12 A. Right, because what I was  
13 referring to, yes. I see where I  
14 wrote that, yes.

15 Q. And you are referring to  
16 Ms. Robinson, is that right?

17 A. Yes.

18 Q. Okay.

19 What did you mean by "still  
20 uses Mr. De Niro's miles?"

21 A. Well, because she was still  
22 traveling but -- in the early days  
23 she would ask me to call American  
24 Express and basically pretend to be  
25 Bob. And you know, or just -- or

1 M. KAPLAN  
2 not pretend to be Bob, but just call  
3 them as, you know, my name is --  
4 they don't know who you are. But  
5 they changed their thing, you  
6 couldn't do that anymore. But she  
7 was still traveling. So I realized  
8 -- I think -- you know -- oh yeah,  
9 because Michael Tasch she had her  
10 own account. You know, there was  
11 another miles account that was  
12 coming. Because there was two  
13 credit cards. When I say Bob's, I  
14 am talking about he had a black  
15 credit card AMEX that went straight  
16 to his Delta card -- to his Delta  
17 account, and then she -- there was a  
18 miles from the office cards. Her  
19 name, and my name, and Dan Harvey,  
20 and Toukie Smith. It was all  
21 connected I believe. And I believe  
22 at some point she was able to  
23 transfer them directly to her Delta  
24 account, which was not something --  
25 because we went a long way. Then I

1 M. KAPLAN

2 did transfer miles again to her down  
3 the road after this e-mail I know,  
4 but --

5 Q. So what was your  
6 understanding of the circumstances  
7 when Ms. Robinson was authorized to  
8 use the reward points generated by  
9 Canal's credit card to purchase  
10 flights?

11 MR. DROGIN: Objection.  
12 Trick question. He never  
13 testified that.

14 MS. HARWIN: Counsel,  
15 just object to form.

16 A. I don't -- yeah, there was  
17 no -- it was not -- the closest I  
18 ever had to having a conversations  
19 about this with Chase was that early  
20 on when she started doing this, she  
21 said, "Oh, you should use the miles,  
22 too." And then she never followed  
23 up on that I think because she flew  
24 first class and used a lot miles at  
25 a time. But she never -- we didn't



1 M. KAPLAN  
2 discuss it. She would just say like  
3 I am going blah-blah blah, and I  
4 need the miles transferred. So  
5 there was no like, I talk to Bob  
6 about it, or you should talk to Bob  
7 about it. That didn't happen, so I  
8 don't have any sort of -- I don't  
9 know if there is an arrangement. I  
10 can't speak to it all. I have no  
11 idea.

12 Q. So sitting here today, you  
13 don't know either way whether or not  
14 there was circumstances in which Ms.  
15 Robinson was authorized to use  
16 rewards points generated by Canal's  
17 credit cards to purchase flights, is  
18 that correct?

19 A. I have no idea if she --  
20 no.

21 MS. HARWIN: We are going  
22 to put into the chat a  
23 document that was marked as  
24 Plaintiff's Exhibit 19, Bates  
25 Stamped beginning Canal

1 M. KAPLAN

2 0094010.

3 (Whereupon, Plaintiff's  
4 Exhibit 19, Canal 0094010,  
5 was marked for  
6 identification, as of this  
7 date.)

8 Q. Do you have that document?

9 A. Uh-huh.

10 Q. Okay.

11 Do you recall exchanging  
12 this series of text messages with  
13 Ms. Robinson, dated June 17, 2018?

14 A. I don't recall the text,  
15 but I remember this situation, yes.

16 Q. Okay.

17 Describe for me the  
18 situation that you and Ms. Robinson  
19 were communicating about here?

20 A. Robin Chamber, which is  
21 where it says, "RC." She had a -- a  
22 Delta account. Somehow at some  
23 point like she received a statement  
24 that she had miles. And Chase was  
25 mad about this I think because or

1 M. KAPLAN

2 aware of this because she was trying  
3 to access the miles. For some  
4 reason some of the miles went --  
5 this is -- yeah. For some reason,  
6 some of the miles ended up on  
7 Robin's from like years ago. And I  
8 remember Robin trying to get them to  
9 transfer them, and they - they  
10 couldn't do it. I don't know. It  
11 was like a one-time thing where we  
12 used the miles when we went to Texas  
13 but Robin can better speak to that  
14 actually. I shouldn't say that, but  
15 I think we should. It was a whole  
16 mess. It was like a Delta thing  
17 where Robin called, and she was  
18 online with them, Chase called. But  
19 I think it was a one off thing. For  
20 some reason, there was like 100,000  
21 miles or something that was like on  
22 Robin's account and somehow they  
23 were linked.

24 Q. As far as you understand,  
25 this issue prevented Ms. Robinson

1 M. KAPLAN

2 from being able to transfer SkyMiles  
3 to her account, is that right?

4 MR. DROGIN: Objection to  
5 the form.

6 A. I don't remember what the  
7 issue exactly was. I just remember  
8 it was like -- I don't know if --  
9 no. I don't think it was keeping  
10 her. I just think it was something  
11 that Chase noticed when she was  
12 transferring that there were miles  
13 that were like not -- they were  
14 outside of the normal -- they were  
15 on like another card. And they were  
16 not retrievable for whatever reason.  
17 I don't know. We never actually  
18 figured out why that happened to my  
19 knowledge.

20 Q. Do you recall who was  
21 involved in trying to get this  
22 situation resolved?

23 A. Robin I know called AMEX,  
24 and I know we had a conversation, I  
25 believe, with the -- even the travel

1 M. KAPLAN

2 agent at one point. But I think  
3 they just -- they were like there is  
4 nothing we can do about it, because  
5 for what reason it was like listed.  
6 I don't know. I don't know. Yeah.

7 Q. Do you recall Berdon  
8 becoming involved in trying to  
9 resolve this issue with the  
10 SkyMiles?

11 A. I don't recall.

12 MR. DROGIN: Objection to  
13 the form. It is not clear  
14 which SkyMiles you are  
15 talking about.

16 Q. Can you repeat your answer?

17 A. I don't remember how it was  
18 resolved. It was like a one off  
19 thing where there was like 100,000  
20 miles or something where it was like  
21 permanently on Robin's Delta  
22 account. It never happened again,  
23 so I don't know why -- it was  
24 something in the Delta system or the  
25 AMEX system. I don't remember if

1 M. KAPLAN

2 Berdon was involved. Berdon had the  
3 -- they had the chief authority on  
4 the AMEX until -- I do remember at  
5 one point Chase involved Bob in  
6 making them give her authority to  
7 transfer miles or to have authority  
8 on the account, which I think was so  
9 she could transfer miles. But I  
10 don't -- this situation was just  
11 like outside -- it was just like a  
12 mess that I don't think even had a  
13 resolution other than just using the  
14 miles.

15 Q. What was your circumstances  
16 -- I'm sorry. Let me restart that.

17 What was your understanding  
18 of the communications between Ms.  
19 Robinson and Mr. De Niro to enable  
20 Ms. Robinson to transfer miles?

21 A. Like I said, I don't -- I  
22 have no knowledge of the  
23 conversations that they had about  
24 that.

25 MS. HARWIN: I am

1 M. KAPLAN

2 dropping into the chat what  
3 we are marking as Exhibit 20,  
4 which is Canal 0049210.

5 Q. Which is a series of text  
6 messages between you and Amelia  
7 Brain.

8 (Whereupon, Plaintiff's  
9 Exhibit 20, Canal 0049210,  
10 was marked for  
11 identification, as of this  
12 date.)

13 Q. Let us know when you have  
14 that.

15 A. Yeah.

16 Q. Okay.

17 Do you see at the bottom of  
18 this series of text messages where  
19 Ms. Brain writes, "Like I know he  
20 knew she used miles. But did he  
21 know know?"

22 A. Yeah.

23 Q. What was your understanding  
24 of Mr. De Niro's knowledge of Ms.  
25 Robinson using miles generated by

1 M. KAPLAN

2 Canal?

3 MR. DROGIN: Objection to  
4 the form.

5 A. What was my understanding  
6 or Amelia's understanding?

7 Q. What was your  
8 understanding?

9 A. My understanding is that  
10 she said, "Oh, I can use your miles.  
11 It won't cost you anything." And he  
12 said, "Oh, great." But like I  
13 wasn't there for the conversation.  
14 I feel like that is sort of how it  
15 went. He didn't really understand  
16 where the miles present -- you can  
17 trade it for other things and all of  
18 those things. But again, like I  
19 don't -- she talked to him a lot in  
20 private. So I don't know what was  
21 said. And yeah. So like, again,  
22 like sort of what Amelia says here,  
23 is probably how I think a lot of us  
24 viewed it. Like maybe he knew,  
25 probably knew, does he know know.



1 M. KAPLAN

2 The miles she took ahead of time,  
3 but that is something that I don't  
4 think anybody knew. It was more  
5 like a mile for a trip, a specific  
6 trip. Not just take a bunch of  
7 miles on the way out of the door.  
8 That was -- that was a little  
9 shocking to us.

10 Q. Who were the employees at  
11 Canal that were aware of Ms.  
12 Robinson using SkyMiles to book  
13 travel?

14 MR. DROGIN: Objection to  
15 the form.

16 A. I don't know who was aware.  
17 I think -- it wasn't like Chase told  
18 people when they started, "Oh, I  
19 travel all the time on his miles."  
20 I think she said that I travel all  
21 the time for work is how she would  
22 phrase it. They might have only  
23 known about the miles from -- you  
24 know, once they were around long  
25 enough, it was -- just came up.

1 M. KAPLAN

2 Again, it was not something  
3 -- Bob never said, "Chase is using  
4 my miles for this." Like Bob was  
5 completely -- we had no idea. Like  
6 he never said the word miles. He  
7 never said, "Let's use the miles for  
8 anything." So it wasn't like -- I  
9 don't know how much he even  
10 understands what a frequent flyer  
11 mile is. So --

12 Q. It was general knowledge in  
13 the Canal office that Ms. Robinson  
14 would travel on SkyMiles generated  
15 by Canal's credit cards, correct?

16 MR. DROGIN: Objection to  
17 the form of the question.  
18 General knowledge? Like the  
19 plants knew? I mean it is a  
20 ridiculous question. But go  
21 ahead and answer.

22 A. It was -- everybody knew  
23 that Bob paid like for her travel in  
24 some way, and I think most people  
25 knew there was miles. I don't know

1 M. KAPLAN

2 -- like I said, I just said, I don't  
3 know how they know. I don't know if  
4 it was told at the beginning or they  
5 heard it through the grapevine, or  
6 -- I don't remember that. But --  
7 yes. It was knowledge that -- I  
8 don't know if it was general  
9 knowledge that she flew first class.  
10 I mean, how many miles did she use,  
11 but it was general knowledge she  
12 used miles.

13 Q. When Mr. De Niro traveled  
14 by plane, would he typically fly on  
15 commercial planes or private planes?

16 MR. DROGIN: Objection to  
17 the form.

18 A. He flew both. I don't know  
19 what is typical. He flew commercial  
20 planes sometimes and he flew private  
21 planes sometimes.

22 Q. Okay.

23 When booking flights for  
24 Mr. De Niro, SkyMiles weren't  
25 typically used, is that correct?

1 M. KAPLAN

2 MR. DROGIN: Objection to  
3 the form.

4 A. SkyMiles were never used  
5 because she told the office not to  
6 use the SkyMiles for anything.

7 Q. So when Mr. De Niro  
8 traveled on commercial airlines, as  
9 far as you know, Mr. De Niro did not  
10 use SkyMiles for his travel,  
11 correct?

12 A. Correct.

13 Q. As far as you are aware,  
14 Mr. De Niro did not use SkyMiles for  
15 his family's travel either, correct?

16 A. I believe there was a few  
17 examples years ago where they might  
18 have used it for some staff members.  
19 But on a regular -- on a regular  
20 basis, his family did not use the  
21 miles, no.

22 Q. Can you recall any time  
23 when someone booked a flight for Mr.  
24 De Niro or his family using  
25 SkyMiles?

1 M. KAPLAN

2 A. Yeah. That is why I said  
3 earlier I remember somebody did book  
4 a flight for maybe staff members, or  
5 Dan Harvey. I'm not sure who it  
6 was. I don't remember. Maybe his  
7 daughter. I don't know who it was.  
8 But they used miles and Chase got  
9 mad at that. I remember that, but I  
10 think that was maybe 2015 or  
11 something. It was a while ago. I  
12 don't know. I can't recall the  
13 specifics of -- or even if they used  
14 them, maybe they were just going to  
15 use that. I don't remember how the  
16 conversation came up.

17 Q. Okay.

18 MS. HARWIN: I think this  
19 is a good time for a lunch  
20 break. We can go off the  
21 record now.

22 Q. Mr. Kaplan, how long would  
23 you like for lunch? Well, let me  
24 let the videographer take us off the  
25 record.

1 M. KAPLAN

2 THE VIDEOGRAPHER: The  
3 time is now 12:53 p.m., and  
4 we are off the record.

5 (Whereupon, a recess was  
6 taken at this time.)

7 THE VIDEOGRAPHER: The  
8 time is now 1:32 p.m. We are  
9 back on the record.

10 Q. Mr. Kaplan, you understand  
11 that you are still under oath?

12 A. Yes.

13 Q. You previously testified  
14 about a person name Tiffany Chen.  
15 Who is Tiffany Chen?

16 A. She is Mr. De Niro's  
17 girlfriend.

18 Q. When did you first have  
19 interactions with Tiffany Chen?

20 A. I don't remember the exact  
21 date, but probably around -- I think  
22 it was right after Thanksgiving of  
23 2018 I guess. I believe she was at  
24 the apartment when I came over one  
25 day around -- sometime around then.

1 M. KAPLAN

2 Q. As far as you know, when  
3 did Ms. Robinson begin having  
4 regular interactions with Tiffany  
5 Chen?

6 A. She had them earlier. I  
7 don't know exactly when. I mean,  
8 she told me she did. But I don't --  
9 I think she met with her when they  
10 were staying in a hotel nearby. I  
11 don't remember exactly when that  
12 was.

13 Q. As far as you understand,  
14 for much of the fall of 2018, and  
15 the winter and early spring of 2019,  
16 Ms. Robinson had regular  
17 interactions with Tiffany Chen, is  
18 that right?

19 A. You said the fall of 2018,  
20 to winter of 2019? Yes. I believe  
21 so.

22 Q. Did there come a time when  
23 you became a confidante for Tiffany  
24 Chen?

25 A. Yeah. So I had [REDACTED]

1 M. KAPLAN

2 [REDACTED] in January of that year, of  
3 2019. I was out, away for about six  
4 weeks. When I returned to go into  
5 the apartment, Tiffany started to  
6 really talk to me a lot. So I would  
7 say from like March of that month --  
8 March/April I guess.

9 Q. You began -- let me -- let  
10 me restate that.

11 It was in -- in March  
12 2019/April 2019, when Ms. Chen began  
13 confiding in you, is that right?

14 A. Yeah. I mean -- she -- I  
15 don't remember the exact like -- I  
16 have trouble remembering if I ever  
17 said I -- clearly things in January  
18 of 2019 are a little blurry. It is  
19 possible she was confiding in me a  
20 little bit in January or a more -- a  
21 more subtle scale. She was talked  
22 -- once we were there, I would be  
23 sitting around on Bob's computer, or  
24 whatever, she would talk to me a  
25 lot. But as far as like -- she was



1 M. KAPLAN

2 always friendly to me from the  
3 beginning, but as far as like  
4 talking about the office, Chase in  
5 particular, any of those things, she  
6 might have started -- I don't  
7 remember. She might have started a  
8 little bit in January, but it was  
9 mostly when I got back the way that  
10 I remember it.

11 Q. And turning to the period  
12 that preceded the end of Ms.  
13 Robinson's employment at Canal, what  
14 did Tiffany Chen speak to you about  
15 when it came to Ms. Robinson?

16 A. She just -- she didn't  
17 understand why, you know, more  
18 people from the office couldn't be  
19 helping her, helping the apartment.  
20 She had her -- I don't remember  
21 specifics, so to speak, but she  
22 would talk about some things she  
23 heard about Chase, as far as, you  
24 know, like inefficiencies that she  
25 perceived, or just the way she would

1 M. KAPLAN

2 get mad about some things were being  
3 done in the apartment. But I don't  
4 remember -- I don't really remember  
5 like point blank specifics of our  
6 conversations.

7 Q. Did there come a time when  
8 Ms. Chen began to express concern  
9 that Ms. Robinson wanted to have a  
10 romantic relationship with Mr. De  
11 Niro?

12 A. No. If she did, it would  
13 be tongue and cheek. I think it was  
14 more like she thought -- she sort of  
15 expressed that like -- that she  
16 thought Chase was -- was crazy, and  
17 like wanted to like have an office  
18 or something in the house, or really  
19 wanted to be like too involved in  
20 their lives for her liking. But I  
21 don't think she said anything to me  
22 about a romantic relationship.

23 Q. I am going to show you  
24 Exhibit 21, which is Canal 0047380.

25 (Whereupon, Plaintiff's

1 M. KAPLAN

2 Exhibit 21, Canal 0047380,  
3 was marked for  
4 identification, as of this  
5 date.)

6 Q. Turning your attention to  
7 the page ending in 382, do you see  
8 the message that is time stamped  
9 11:57, on April 1, 2019?

10 A. 11:57, you said?

11 Q. Yes.

12 A. Time stamped. The -- yeah,  
13 she thought they were getting  
14 married, the way she hates me, and  
15 the way she is -- yeah. I mean,  
16 that is -- again --

17 Q. Give me an opportunity to  
18 ask the question and then you can  
19 answer. Okay?

20 A. Okay.

21 Q. Is this a series of text  
22 message that you exchanged with  
23 Tiffany Chen?

24 A. Yes.

25 Q. Okay.

1 M. KAPLAN

2 And do you see where Ms.

3 Chen texts, "She thought they were  
4 getting married?"

5 A. I see that.

6 Q. Was that a reference to Ms.  
7 Robinson?

8 A. Yeah, I see that. Yes.

9 Q. And does that refresh your  
10 recollection as to whether Ms. Chen  
11 ever expressed concerns about  
12 whether Ms. Robinson wanted to have  
13 a romantic relationship with Mr. De  
14 Niro?

15 A. I mean, clearly in this  
16 text message she is making that  
17 reference. I don't remember that.  
18 But I mean, she -- I see this. I  
19 remember -- I say -- she definitely  
20 talked to Claude who was the driver  
21 a lot about Chase. But it is --  
22 yeah. It is a kind of the thing  
23 where I am -- Tiffany is not  
24 necessarily a reliable narrator in  
25 that sense, but she kind of -- like

1 M. KAPLAN

2 Claude might have said something to  
3 her that she wanted to hear, and  
4 then she is running with it.  
5 Whether -- where she ever said that  
6 to me other than this text, I don't  
7 think so, but maybe she did, I don't  
8 remember.

9 Q. Do you recall Ms. Chen ever  
10 expressing that Ms. Robinson was in  
11 love with Mr. De Niro?

12 A. Well, I mean, this text you  
13 are showing here, that sort of  
14 implies that, but I don't remember  
15 her saying it that way. I just  
16 remember her sort of saying like  
17 this girl, whatever word she used  
18 for her, is -- you know, like --  
19 just like obsessed with us, kind of  
20 thing. But like in a -- more of  
21 like a father figure kind of way is  
22 how I remember it. But I guess she  
23 could have said this as well.

24 Q. Let me show you what is  
25 being marked as Exhibit 22, which is

1 M. KAPLAN

2 Canal 0047508.

3 (Whereupon, Plaintiff's  
4 Exhibit 22, Canal 0047503  
5 through 509, was marked for  
6 identification, as of this  
7 date.)

8 MS. HARWIN: I'm sorry  
9 503 through 509.

10 Q. You can turn to the second  
11 to last page, which is on the page  
12 marked 47508.

13 A. 47? Which one, 508?

14 Q. Uh-huh.

15 A. Okay.

16 Q. So turning your attention  
17 to that page, do you see the message  
18 from Ms. Chen, to you, at 5:40 p.m.,  
19 where she writes, "Yo. I hope you  
20 all speak about how Chase acted when  
21 she was moving in here. This bitch  
22 is ridiculous."

23 Do you see that?

24 A. I see that. Yes.

25 Q. Is this message from Ms.

1 M. KAPLAN

2 Chen consistent with the kinds of  
3 things that Ms. Chen was saying to  
4 you in the period before Ms.  
5 Robinson's employment ended?

6 MR. DROGIN: Objection to  
7 the form.

8 A. Is this -- you mean, like  
9 the tone, is that what you are  
10 asking?

11 Q. Yes.

12 A. I mean, that is how Tiffany  
13 talks in general about people, so it  
14 is consistent with how she talks.  
15 It is very -- I don't know how you  
16 say it. So yes, consistent. But  
17 she didn't say -- I mean -- do you  
18 mean like the -- acted like she was  
19 moving in here? That is what I mean  
20 when I say like she thought -- you  
21 know, she would talk how she is  
22 going to be working out of here and  
23 running things out of here. That I  
24 recall her saying, yes.

25 MR. DROGIN: Please let

1 M. KAPLAN  
2 the record reflect that the  
3 image before that text that  
4 you just referenced is a  
5 screen shot of a text where  
6 Chase said, "You know how  
7 much I love this job, and  
8 even when I was based away  
9 from New York, I was always  
10 there if you needed me. I  
11 want to go back to that  
12 arrangement."

13 MS. HARWIN: Counsel, the  
14 exhibit is the exhibit.

15 MR. DROGIN: I know, but  
16 you have a habit of ignoring  
17 context.

18 MS. HARWIN: Counsel, I  
19 had -- I had -- I had one  
20 section that I had questions  
21 about.

22 MR. DROGIN: You asked  
23 line.

24 (Simultaneous speaking)

25 MR. DROGIN: She told me



1 M. KAPLAN

2 to stop and I said that she  
3 needs to put it into context  
4 which she refuses to do. Go  
5 ahead.

6 MS. HARWIN: Counselor,  
7 you are not asking the  
8 questions. If you have  
9 questions for the witness  
10 later, you can ask them.

11 MR. DROGIN: Thank you.

12 Q. We are now moving on to  
13 Plaintiff's Exhibit 22, which is  
14 Bates stamped Canal 0047833.

15 (Whereupon, Plaintiff's  
16 Exhibit 23, Canal 0047833,  
17 was marked for  
18 identification, as of this  
19 date.)

20 MS. HARWIN: I'm sorry.  
21 Exhibit 23.

22 A. 033?

23 Q. It is coming in the chat in  
24 a moment. It is going be to Exhibit  
25 23, which is Canal 0047833. I'm

1 M. KAPLAN

2 sorry 829. That is the start of the  
3 Bates range. Let me know when you  
4 have that document up.

5 A. Uh-huh.

6 Q. So turning to page 47833,  
7 do you see your message, on April  
8 1st, 2019, at 12:07 a.m.?

9 A. I am paging down.

10 Q. Take your time.

11 A. Yes, I see that.

12 Q. Can you read aloud your  
13 message?

14 A. "I offered token push back  
15 on her she's in love with him idea  
16 and that's what triggered that so  
17 yea it's unsustainable." Yes, I see  
18 that.

19 Q. When you wrote, "Her she's  
20 in love with him idea," what were  
21 you referring to?

22 A. I am clearly now at this  
23 point referring to a conversation  
24 that I had with Tiffany in person  
25 where she said that Chase is in love

1 M. KAPLAN

2 with him to me. I don't -- but you  
3 are asking me to remember things  
4 from a few years. But now that I am  
5 reading it, that is what I'm  
6 referring to.

7 Q. Okay.

8 You had a conversation in  
9 person with Tiffany Chen in which  
10 Tiffany Chen expressed the belief  
11 that Ms. Robinson was in love with  
12 Mr. De Niro, is that right?

13 A. Based on reading my text  
14 message, yes, it appears I did.

15 Q. And what did you do to push  
16 back on Ms. Chen's claim that Ms.  
17 Robinson was in love with Mr. De  
18 Niro?

19 A. I don't remember the  
20 conversation, so I don't know what I  
21 did to push back.

22 Q. As far as you can tell,  
23 there was no basis for Ms. Chen's  
24 suspicion that Ms. Robinson wanted a  
25 romantic relationship with Mr. De

1 M. KAPLAN

2 Niro, correct?

3 A. No. I never thought she  
4 wanted a romantic relationship with  
5 Mr. De Niro. That was never  
6 something I -- I would have said or  
7 agreed with, you know.

8 Q. In her communications with  
9 you, Ms. Chen often referred to Ms.  
10 Robinson as a bitch, correct?

11 A. I don't know if it was  
12 often. She did at times. That is  
13 again how she talks. She has a way  
14 of talking that way. She called a  
15 lot of people bitches, including  
16 Chase.

17 Q. It was common for Ms. Chen  
18 to call Ms. Robinson a bitch,  
19 correct?

20 MR. DROGIN: Objection to  
21 the form.

22 THE WITNESS: Sorry.

23 MR. DROGIN: I am  
24 objecting to the form of the  
25 question. If you understand

1 M. KAPLAN

2 what the word common means,  
3 go right ahead and answer.

4 A. Yeah, I don't know how  
5 often she referred to so I can't say  
6 common. She definitely referred to  
7 her at some point with that  
8 language.

9 Q. Ms. Chen called Ms.  
10 Robinson a bitch multiple times in  
11 your communications with her,  
12 correct?

13 A. Again, I don't remember,  
14 but I would guess more than one  
15 time. So yes, multiple. You can  
16 say multiple.

17 Q. Ms. Chen complained to you  
18 that Ms. Robinson was such a white  
19 girl, right?

20 A. I don't remember that, but  
21 if that is in a text -- I don't  
22 remember that.

23 Q. Ms. Chen disparaged Ms.  
24 Robinson's behavior being very  
25 quote, "single white female,"

1 M. KAPLAN

2 correct?

3 A. Again, I don't remember any  
4 of these conversations verbatim. If  
5 she said that in a text I would  
6 believe it, but I don't remember her  
7 saying that.

8 Q. I am going to mark Exhibit  
9 24, which is Canal 0047829.

10 (Whereupon, Plaintiff's  
11 Exhibit 23, Canal 0047829,  
12 was marked for  
13 identification, as of this  
14 date.)

15 A. It looks like the same  
16 thing was just sent.

17 Q. It may have been dropped in  
18 twice. Can you turn to the page  
19 that is the last page of that  
20 exhibit?

21 A. Sure. Page six?

22 Q. Yes. Well it is the last  
23 page of it, the one ending 47834.

24 A. Uh-huh.

25 Q. Turning to your message at

1 M. KAPLAN

2 1:14 p.m., on April 1st, 2019, were  
3 you sharing with Gillian Spear a  
4 message that Tiffany Chen sent to  
5 you?

6 A. Was I sharing what? I  
7 didn't hear you.

8 Q. Were you sharing with  
9 Gillian Spear a message that Chase  
10 -- I'm sorry. A message that  
11 Tiffany Chen had sent to you?

12 A. Well, looking at it this  
13 way, yeah. It looks like a copy and  
14 paste. Yeah.

15 Q. Did you ever communicate  
16 with Ms. Chen about her  
17 characterization of the situation as  
18 very, quote, "single white female?"

19 A. I -- I -- I think it is  
20 clear that Tiffany conveyed that  
21 message to me. So I don't know if  
22 we had a conversation as well, but  
23 that is how she felt.

24 Q. What are all the epithets  
25 that you recall Ms. Chen using to

1 M. KAPLAN

2 describe Ms. Robinson?

3 A. I don't recall the  
4 specifics, but I -- yeah, it doesn't  
5 surprise me when you say bitch.  
6 That doesn't surprise me. Single --  
7 the white female thing, I mean, she  
8 definitely -- it was like Chase was  
9 a -- you know, there was -- I don't  
10 remember. I am trying to think. I  
11 don't remember anything specific.  
12 Like I said, this was -- the  
13 specifics of these conversations,  
14 that is asking a lot of my brain.

15 Q. Do you recall Ms. Chen  
16 treating Ms. Robinson with  
17 hostility?

18 A. No. In person, she didn't  
19 treat her with hostility. It was  
20 kind of both ways. Chase didn't  
21 really talk to her. Was kind of icy  
22 around her. Something that I  
23 noticed from the beginning. And  
24 Tiffany sort of -- if you want to  
25 call it phony or whatever. But she



1 M. KAPLAN

2 -- when I was -- my recollection is  
3 she was sort of just like short with  
4 her, but not like hostile in person.

5 Q. The next exhibit I would  
6 like to share is Bates stamped Canal  
7 0047643 through 44. I believe that  
8 is Exhibit 24.

9 (Whereupon, Plaintiff's  
10 Exhibit 24, Canal 0047643  
11 through 44, was marked for  
12 identification, as of this  
13 date.)

14 Q. Let me know when you have  
15 that open.

16 A. Yeah, I have it open.

17 Q. Did you see the text  
18 message that you sent at March -- on  
19 March 29, 2019, at 3:32 p.m.?

20 A. Yes.

21 Q. Okay.

22 This is a series of texts  
23 that you exchanged with Nellie  
24 Norden, is that right?

25 A. Yes.

1 M. KAPLAN

2 Q. Who is Nellie Norden?

3 A. Nellie Norden works for  
4 Tribeca, but used to work for Bob as  
5 an assistant. And was -- the last  
6 time before this that Bob had  
7 decided that he was going to get rid  
8 of Chase, he was going to make  
9 Nellie his -- his new -- he was  
10 going to promote Nellie so to speak  
11 and then he didn't do it. So that  
12 is why I say, "Survives this time"  
13 because he changed his mind the time  
14 before.

15 Q. Okay.

16 When you wrote, "Shit is  
17 going to go down next week when Bob  
18 is back. Not sure if she survived  
19 this time," what did you understand  
20 --

21 A. My understanding. Sorry,  
22 go ahead.

23 Q. That is okay.

24 What did you understand was  
25 going to happen to Ms. Robinson?

1 M. KAPLAN

2 A. My understanding was that  
3 Tiffany was going to try to organize  
4 a lot of different people to talk to  
5 Bob directly to try to -- almost  
6 like an intervention type  
7 atmosphere. I think she even wanted  
8 to do it possibly with Chase -- I  
9 don't remember if it was Chase there  
10 or not, or just have a lot of people  
11 talk to Bob, and yeah. I was  
12 stressed about the idea of this, but  
13 I do remember that.

14 Q. At that point Ms. Chen had  
15 conveyed that she wanted Mr. De Niro  
16 to fire Ms. Robinson, is that right?

17 A. She did. And my  
18 understanding was that he was sort  
19 of going back and forth on the idea.

20 Q. What did Ms. Chen say about  
21 wanting Mr. De Niro to fire Ms.  
22 Robinson?

23 A. What do you mean, what did  
24 she say? She -- I don't remember  
25 specific things that she said. It

1 M. KAPLAN  
2 was the type of thing where she was  
3 constantly talking to different  
4 people who -- in his life and  
5 basically talking to Bob and saying  
6 you need to talk to blah-blah blah.  
7 And that kind of thing about Chase.  
8 To know what is really going on.

9 Q. But this point in late --  
10 late March 2019, was it generally  
11 known that Ms. Chen wanted Ms.  
12 Robinson to be fired?

13 MR. DROGIN: Objection to  
14 the form.

15 A. Generally, it was known  
16 that she didn't like her. That was  
17 known. I don't know about -- you  
18 have to understand that like people  
19 -- there is so many people who are  
20 -- I am sure if you are going to  
21 keep showing me text messages that I  
22 had with who were all invested in  
23 the story line in a way, but nobody  
24 had ever believed Chase was ever  
25 going to be fired. Chase had always

1 M. KAPLAN

2 -- had been there so long. Nobody  
3 really believed that was going to  
4 happen. But Tiffany -- you know,  
5 she is this new person that talks a  
6 big game that seemed to have the  
7 most -- she just kept talking about  
8 it and talking about it. It was  
9 like she was -- she was very  
10 interested in this and talking to  
11 people about it. Whether -- I don't  
12 know if we believed -- I don't think  
13 most people believed she was going  
14 to be fired though because Bob -- I  
15 don't think many people thought Bob  
16 was going to fire her.

17 Q. What was Ms. Chen doing to  
18 try to take down Ms. Robinson?

19 MR. DROGIN: Objection to  
20 the form.

21 A. I mean, take down is a  
22 strange way of putting it. She was  
23 just trying to get examples of  
24 things that she didn't think Bob was  
25 aware of, you know, have Bob really

1 M. KAPLAN

2 think about it, like how much  
3 different money -- the way she spent  
4 money, the way she used miles, the  
5 way she would demean people. She  
6 just tried to overlook like Bob you  
7 never thought about all of these  
8 good people in your life who are all  
9 -- they all say the same exact thing  
10 about this person. She just tried  
11 to like -- no one had ever done that  
12 before, just try to like put it all  
13 together like a case. But, you  
14 know, I don't know if she ever --  
15 did I think she was going to fire  
16 Chase? I don't know. I don't know  
17 if that is really what she thought  
18 was going to happen or not. I have  
19 no idea.

20 Q. I am going to put into the  
21 chat Exhibit 25 Bates stamped Canal  
22 04641 through 42.

23 (Whereupon, Plaintiff's  
24 Exhibit 25, Canal 04641  
25 through 42, was marked for

1 M. KAPLAN

2 identification, as of this  
3 date.)

4 A. I don't have it.

5 Q. Okay. Just give it a  
6 moment. Hopefully it will  
7 materialize soon. There we go. It  
8 should be in there now.

9 A. Yes.

10 Q. Okay.

11 So turning your attention  
12 to the second page of this document,  
13 as you -- this is a series of text  
14 message that you exchanged with  
15 Michael Tasch, is that correct?

16 A. It appears that way, yes.

17 Q. Turning your attention to  
18 the bottom, second page, can you  
19 read what you wrote at 7:07 p.m.?

20 A. "I heard Tiff e-mailed you  
21 about apartment expenses. We should  
22 strategize on this. She's trying to  
23 take down Chase of course." Yes.

24 Q. Okay.

25 A. That was -- I -- Michael

1 M. KAPLAN

2 Tasch was one of the people that she  
3 talked to. I'm sorry. Go ahead.

4 She talked to a lot of people.

5 Q. When you say that she  
6 talked to a lot of different people

7 --

8 (Simultaneous speaking)

9 Q. You were saying that Mr.  
10 Tasch was one of the people that Ms.  
11 Chen was speaking to. Mr. Tasch was  
12 one of the people that Ms. Chen was  
13 speaking to about what?

14 A. About examples to show Bob  
15 or to -- of people, you know, that  
16 -- of Chase's financial misdeeds. I  
17 believe Mr. Tasch's example to show  
18 Bob -- she was -- the apartment  
19 expenses specifically was -- I  
20 believe was all the things we had  
21 purchased, she wanted a list of  
22 literally everything purchased for  
23 the apartment. Like a giant like  
24 stack of Amazon bills everything to  
25 -- she wanted Michael Tasch to come



1 M. KAPLAN

2 and go over it with Bob I believe  
3 the next week.

4 Q. Okay.

5 And you understood this to  
6 be part of Ms. Chen's effort to have  
7 Ms. Robinson fired?

8 A. Yes. I -- like I said, she  
9 was hitting -- she was trying like  
10 all different areas.

11 Q. Okay.

12 I would like to turn to  
13 what is being marked as Exhibit 26  
14 which begins at Canal 0034641.

15 (Whereupon, Plaintiff's  
16 Exhibit 26, Canal 0034641,  
17 was marked for  
18 identification, as of this  
19 date.)

20 Q. Do you recognize this as an  
21 e-mail Mr. De Niro forwarded to you  
22 on April 2, 2019?

23 A. Yes.

24 Q. Did you ever communicate  
25 with Mr. De Niro about this e-mail

1 M. KAPLAN

2 exchange?

3 A. I don't remember. Did I  
4 reply? I don't -- um -- I think the  
5 reason it is forwarded is because  
6 she wanted me to see -- I think  
7 Tiffany wanted me to see the -- you  
8 know, is this Chase's -- what is  
9 this? Oh, this is her -- oh, no.  
10 This is something different. No, I  
11 don't remember. I don't really  
12 remember. I remember seeing this,  
13 but I don't remember the -- the --  
14 communicating about it.

15 Q. Did you have any  
16 communications with Mr. De Niro  
17 about Ms. Robinson's employment  
18 status in late March or early April  
19 of 2019?

20 A. She -- Tiffany asked me to  
21 speak to Bob. I was -- you know, I  
22 -- of all the people that spoke to  
23 Bob, I probably had the least to say  
24 because I think -- I think it was --  
25 it was Saturday Night Live, but it

1 M. KAPLAN

2 was sort of just a general -- I  
3 don't remember what was said too  
4 much, but I don't -- I really was  
5 not comfortable at that point. She  
6 was really trying to push me to like  
7 really talk to Bob about all of  
8 these things, and I was a little  
9 hesitant the first time around, so  
10 it was sort of just a general I know  
11 a lot people are talking, and, you  
12 know, the office is good -- I think  
13 I basically expressed that the  
14 office could handle things. I  
15 thought maybe bringing one more  
16 person in something to that nature  
17 on a lower level, but, yeah. I  
18 remember that she wanted -- she  
19 definitely wanted me to talk to him  
20 again because it wasn't a long  
21 conversation.

22 Q. How long did your  
23 conversation with Mr. De Niro last?

24 A. It was -- I don't remember.  
25 But I don't -- I remember it was

1 M. KAPLAN

2 maybe like five to ten minutes. It  
3 was not a long conversation. It was  
4 more of a general I know this is  
5 what people -- she has been talking  
6 to you. I -- you know, I do feel  
7 comfortable that you have a good --  
8 other good people in your office if  
9 you want to go this direction, but  
10 it was not a -- we did not get into  
11 a lot of details is how I remember  
12 it.

13 Q. You didn't push Mr. De Niro  
14 to fire Ms. Robinson, is that right?

15 MR. DROGIN: Objection to  
16 the form.

17 A. No, I didn't push him to  
18 fire Ms. Robinson. I was conflicted  
19 to because I have -- it seemed like  
20 knowing how the wind was blowing it  
21 was going to get uglier, and I  
22 personally -- as I said, the whole  
23 thing was stressing me out. I was  
24 regretting coming back to work after  
25 the [REDACTED] So resolution

1 M. KAPLAN

2 would be good, but I didn't want --  
3 the firing would have been -- would  
4 have involved a meeting -- another  
5 meeting -- a lot of meetings. I  
6 didn't really want this to happen.  
7 I was trying to delay those off  
8 until at least after the festival so  
9 yeah, I didn't -- I didn't push him  
10 hard for her to be fired.

11 Q. Did Mr. De Niro communicate  
12 to you about what he was planning to  
13 do with respect to Ms. Robinson?

14 A. No. He said he is -- you  
15 know, I think -- I remember him like  
16 -- he was sort of like thinking it  
17 over -- you know, because we had had  
18 a -- you know, he was sort of like I  
19 know people have been talking,  
20 Tiffany wants me to talk to you,  
21 maybe we could have another  
22 conversation. He didn't -- he  
23 didn't -- I didn't get the  
24 impression that when I spoke to him  
25 at any point that he was about to

1 M. KAPLAN

2 fire her at that moment in time.

3 But I -- I -- you know, it was -- it  
4 was a tricky situation because it  
5 was a lot -- it was -- it was  
6 intense obviously.

7 Q. Did you have any other  
8 conversations with Mr. De Niro  
9 before Ms. Robinson's employment at  
10 Canal ended in which there was a  
11 discussion about her?

12 A. Um, I don't remember -- no.  
13 I had had this one conversation with  
14 him and it was talk of us having  
15 another, but I don't think we had it  
16 because she quit before that would  
17 have happened.

18 Q. Are you aware of Mr. De  
19 Niro telling anyone that he wanted  
20 to be done with Ms. Robinson soon?

21 A. No. I don't remember him  
22 saying that to anybody that I am  
23 aware of.

24 Q. We are going to drop into  
25 the chat the next exhibit, which I

1 M. KAPLAN  
2 understand is Exhibit 27, and that  
3 is the document that begins Canal  
4 0047796.

5 (Whereupon, Plaintiff's  
6 Exhibit 27, Canal 0047796,  
7 was marked for  
8 identification, as of this  
9 date.)

10 A. So much intrigue with these  
11 downloads. What blast from the past  
12 am I going to read next? Okay.

13 Q. Okay.  
14 So looking at your message  
15 at 4:51 p.m., on April 2nd, do you  
16 see where you say, "Oh, wow. Yeah.  
17 He is talking about it to everyone?"

18 MR. DROGIN: Objection to  
19 the form. That is not what  
20 it says at 4:51. There is a  
21 --

22 A. Yeah, I see that.

23 MR. DROGIN: One of them  
24 is President Obama announcing  
25 Osama Bin Laden. Do you want

1 M. KAPLAN

2 to ask him why he equated  
3 Chase Robinson to Osama Bin  
4 Laden or should we do that on  
5 redirect?

6 MS. HARWIN: Counsel --

7 (Simultaneous speaking)

8 A. I guess she is (inaudible)  
9 that we saw from the other text, but  
10 yeah.

11 Q. So, Mr. Kaplan, can you  
12 read aloud the last text message  
13 that you sent on April 2, 2019, at  
14 4:51 p.m.?

15 A. Yeah. I said, "Oh, wow.  
16 He is talking about it to everyone."

17 Q. What were you referring to  
18 there?

19 A. Well, so this is Morgan who  
20 used to work for Bob, and I am  
21 referring to obviously talking --  
22 because earlier in this conversation  
23 I asked if she didn't want to work  
24 with Chase. I had a conversation  
25 with Tiffany, I remember, where she



1 M. KAPLAN  
2 brought up this idea of Morgan. Do  
3 you think Morgan would want to come  
4 back to work? So I think he -- I  
5 don't know if that is a typo, I  
6 meant to say she or if -- I don't  
7 remember talking -- like I said, I  
8 don't remember talking a lot about  
9 it so I don't know. But I guess he  
10 might have been talking to Drena I  
11 see her. Oh, yeah. Oh, right  
12 because she says -- Morgan had a  
13 relationship with Drena because she  
14 still worked for her at the time,  
15 Bob's daughter. So I guess he had  
16 talked to Drena about it. And that  
17 is why I said, "Oh, wow. He is  
18 talking to everyone about it." I am  
19 saying, I didn't -- I don't remember  
20 it like -- like, I mean, talking  
21 about it to everyone here is Drena,  
22 his daughter. That is -- you know,  
23 if I -- you know, that means  
24 everyone, but -- but, yeah, I see  
25 what you are saying.

1 M. KAPLAN

2 Q. When you wrote, "He is  
3 talking about it to everyone," what  
4 specifically was Mr. De Niro talking  
5 about that you were referring to?

6 A. Well, I am referring to him  
7 replacing or getting rid of Chase.  
8 But I am saying -- when I say,  
9 "everyone," it is because she told  
10 Drena and I am just referring to  
11 that. She already heard about this  
12 from Drena.

13 (Whereupon, Plaintiff's  
14 Exhibit 28, Canal 0047511,  
15 was marked for  
16 identification, as of this  
17 date.)

18 Q. I am going to show you  
19 Exhibit 28, which is Canal 0047511.  
20 I would like to turn your attention  
21 to the page that is 47515, and the  
22 text messages that were exchanged on  
23 April 5th, 2019, between 2:43 p.m.  
24 and 2:44 p.m.

25 MR. DROGIN: Sorry, what

1 M. KAPLAN

2 page are you on?

3 MS. HARWIN: The one that  
4 is 47515.

5 A. Which page? What am I  
6 supposed to be looking at though?

7 Q. If you look at the text  
8 messages between 2:43 p.m. and 2:44  
9 p.m.

10 MR. DROGIN: So just to  
11 be clear, this is an  
12 eight-page exhibit, and you  
13 are directing the witness to  
14 a single line?

15 MS. HARWIN: No, that is  
16 not correct.

17 MR. DROGIN: I am -- it  
18 starts with -- hold on. It  
19 starts with 47511?

20 MS. HARWIN: That is the  
21 start of the text exchange.

22 Q. Mr. Kaplan --

23 MR. DROGIN: Hold on. I  
24 have that as an eight-page  
25 exhibit, is that wrong?

1 M. KAPLAN

2 MS. HARWIN: I don't know  
3 that that is wrong, but your  
4 characterization that I am  
5 directing him to a single  
6 line is not accurate.

7 MR. DROGIN: I am trying  
8 to understand because it is  
9 an eight-page and there are  
10 98 messages. Which one or  
11 ones are you referring him  
12 to?

13 MS. HARWIN: The one that  
14 I previously identified now  
15 multiple times. The one  
16 between 2:43 and 2:44 p.m.

17 MR. DROGIN: I had a  
18 problem opening it. So give  
19 me a second to get there.  
20 Just a second.

21 MS. HARWIN: Counsel, you  
22 can find the document --

23 MR. DROGIN: I know I  
24 can. Excuse me. I know I  
25 can. That is why I need a

1 M. KAPLAN

2 minute to do it. Just give  
3 me a minute, and I would like  
4 to read it before you start  
5 questioning the witness.  
6 You --

7 MS. HARWIN: Why don't we  
8 go off the record so you can  
9 find your place and come  
10 back? So why don't we take a  
11 two-minute break and then  
12 hopefully then you will be  
13 able to find where you are.  
14 Let's come back at 2:15.

15 THE VIDEOGRAPHER: The  
16 time is 2:13 p.m. and we are  
17 now off the record.

18 (Whereupon, a recess was  
19 taken at this time.)

20 THE VIDEOGRAPHER: The  
21 time now 2:15 p.m. We are  
22 back on the record.

23 Q. Mr. Kaplan, I would like to  
24 direct you back to the series of  
25 text messages beginning at 2:43

1 M. KAPLAN

2 p.m., on April 5th, 2019.

3 Do you see where Gillian  
4 Spear writes, "Can we get an update  
5 on how wide this circle of people in  
6 the know is now?"

7 A. Yes.

8 Q. And do you see where you  
9 follow up and identify a list of  
10 names?

11 A. Yes.

12 Q. Okay.

13 When you and Ms. Spear were  
14 communicating with people in the  
15 know, what specifically did these  
16 people all know about?

17 A. These are the people who  
18 Tiffany had been talking to about  
19 the idea of -- of getting rid of  
20 Chase.

21 Q. So as far as you knew, the  
22 people that Ms. Chen had spoken to  
23 about getting rid of Chase Robinson  
24 included Dan Harvey, Tom Harvey,  
25 Drena De Niro, Rafael De Niro, you,

1 M. KAPLAN

2 Michael Kaplan, Gillian Spear,  
3 Sabrina Weeks-Britain, Berdon, and  
4 Mary Beth. Is that right?

5 A. Yes.

6 Q. Who is Mary Beth?

7 A. She was -- used to be the  
8 person that was involved in the  
9 project that Tiffany had gotten  
10 friendly with because she would  
11 travel. I think she went down there  
12 sometimes and --

13 (Whereupon, Plaintiff's  
14 Exhibit 29, Canal 0047798,  
15 was marked for  
16 identification, as of this  
17 date.)

18 Q. We are going to turn to  
19 another exhibit, which is Exhibit  
20 29, and that is a text exchange  
21 beginning Canal 0047798.

22 And I would like to turn  
23 your attention to the text messages  
24 exchange at 11:06 p.m. and 11:11  
25 p.m.

1 M. KAPLAN

2 Is this a text exchange  
3 between you and Morgan Billington?

4 A. Yes.

5 Q. Okay.

6 Do you see where you wrote  
7 -- well, actually I am going to  
8 allow you to read it out loud. Can  
9 you read out loud your text message  
10 at 11.11 p.m., on April 6, 2019?

11 A. I wrote, "Tiff was going to  
12 have her fired this week and Chase  
13 must have realized it."

14 I also would like to  
15 stipulate that if we are going to  
16 discuss this chain I was very  
17 intoxicated this night for the  
18 record.

19 Q. When you wrote to Ms.  
20 Billington that Ms. Chen was going  
21 to have Ms. Robinson fired, what was  
22 your basis for stating that?

23 A. It must have been referring  
24 to everything that we just discussed  
25 as far as she wanted to have a lot



1 M. KAPLAN  
2 of people talk to Bob the following  
3 week about all of the things that  
4 she was talking to him directly  
5 about. But me saying she was going  
6 to have her fired is me sort of  
7 taking a step extra and like saying  
8 she was going to be successful. I  
9 don't know if she would have been  
10 successful.

11 (Whereupon, Plaintiff's  
12 Exhibit 30, Canal 0047485,  
13 was marked for  
14 identification, as of this  
15 date.)

16 Q. The next exhibit I am going  
17 to show you is Exhibit 30 beginning  
18 at Bates stamp Canal 0047900. I'm  
19 sorry. I misstated that. It is  
20 Canal 0047485. So the one that just  
21 dropped in, you can click on.

22 Is this a series of text  
23 exchanges between you and Christina  
24 O'Leary?

25 A. Yes.

1 M. KAPLAN

2 Q. Who was Christina O'Leary?

3 A. She was -- she worked for  
4 Bob. She is one of every -- many --  
5 all of these people who worked for  
6 Bob couldn't stand working for  
7 Chase.

8 Q. Turning your attention to  
9 the text message from Ms. O'Leary  
10 at 7:47 a.m., where she wrote, "Also  
11 Bob's divorce. What the heck?" And  
12 then you followed up at 7:50 a.m.,  
13 and you said, "The two are related."

14 What do you mean by that?

15 A. Look, I clearly meant that  
16 Bob's divorce is related -- the new  
17 girlfriend is related to Chase  
18 resigning.

19 (Whereupon, Plaintiff's  
20 Exhibit 31, Canal 47900, was  
21 marked for identification, as  
22 of this date.)

23 Q. I would like to turn your  
24 attention to Exhibit 31, which is  
25 the -- the document that was dropped

1 M. KAPLAN

2 in the chat just before the last  
3 one, so the one that is 47900.

4 A. So we are back to that one?  
5 Okay.

6 Q. Exactly. Thank you.

7 A. Uh-huh.

8 Q. So turning your attention  
9 to what you wrote on April 7, 2019,  
10 at 7:51 a.m., can you -- actually,  
11 you know what? Let's turn to the  
12 series of messages starting at 7:50  
13 a.m. Can you read out loud the  
14 messages that you exchanged with  
15 Alexandra Winogora between 7:50 a.m.  
16 and 7:51 a.m.?

17 A. I wrote "Resigned last  
18 night was likely to be fired this  
19 week." Alexandra wrote, "What  
20 finally did her in?" I said, "Bob's  
21 new girlfriend made it her singular  
22 mission." Do I need to keep  
23 reading, or --

24 Q. Yeah. Why don't you keep  
25 reading until 7:53 a.m.?

1 M. KAPLAN

2 A. She writes, "why?" She  
3 adds, "That is so interesting."  
4 Then she says, "Did Chase wrong  
5 her?" I write, "She felt Chase was  
6 in love and psycho."

7 Q. Ms. Chen conveyed to you  
8 that she felt Chase was in love with  
9 Mr. De Niro, correct?

10 MR. DROGIN: Objection to  
11 the form.

12 A. I think we established  
13 that, but yes.

14 Q. Based on your observations,  
15 Ms. Chen made it her singular  
16 mission to end Ms. Robinson's  
17 employment?

18 MR. DROGIN: Objection to  
19 the form.

20 A. I mean, she -- if it was a  
21 future -- making it her singular  
22 mission to end other people's  
23 employment, including my own, so it  
24 is not that -- it is not that --

25 Q. I want you to just make

1 M. KAPLAN  
2 sure to answer my question. So I'm  
3 going to have the court reporter  
4 read it again.

5 MR. DROGIN: He was  
6 answering your question, but  
7 again, you cut him off when  
8 you don't like the answer.  
9 Let him finish his answer.

10 A. She -- based on my  
11 observations of those two weeks, she  
12 made it her singular mission, yes,  
13 if that is what you are asking.

14 Q. So I just want to make sure  
15 we have a clear record.

16 In the last two weeks of  
17 Ms. Robinson's employment, you  
18 observed that Ms. Chen made it her  
19 singular mission to end Ms.  
20 Robinson's employment, is that  
21 right?

22 MR. DROGIN: Objection to  
23 the form.

24 A. Yeah. I -- I would say it  
25 was -- it was her focus of her -- of

1 M. KAPLAN

2 what she was doing at that time.

3 MS. HARWIN: Why don't we  
4 take a five-minute break and  
5 we can pick it up at 2:29 or  
6 2:30?

7 THE VIDEOGRAPHER: The  
8 time is now 2:24 p.m. and we  
9 are now off the record.

10 (Whereupon, a recess was  
11 taken at this time.)

12 THE VIDEOGRAPHER: The  
13 time is now 2:32 p.m. and we  
14 are back on the record.

15 Q. There came a -- I'm sorry.  
16 Go ahead.

17 A. I said that I see you now.  
18 Okay.

19 Q. There came a time when Ms.  
20 Robinson resigned from employment at  
21 Canal, is that right?

22 A. Yes, of course.

23 Q. How did Mr. De Niro react  
24 to Ms. Robinson resigning her  
25 employment from Canal?

1 M. KAPLAN

2 MR. DROGIN: Objection to  
3 the form. You can answer.

4 A. I don't -- I wasn't there  
5 when he got the news officially.  
6 But he seemed pretty -- is relieved  
7 the right word? I don't know. He  
8 seemed like, you know, move on. He  
9 moves on quickly.

10 Q. After Ms. Robinson's  
11 employment ended, you organized a  
12 party, is that right?

13 A. Yes, that was the result of  
14 -- I was the arm chair therapist for  
15 so many people through the years who  
16 spent -- who just were tortured by  
17 her that the idea sprang up that  
18 maybe I shouldn't have done because  
19 now I have to talk about it here,  
20 but at the time it seemed funny to  
21 do that. It seemed like a fun idea,  
22 so we did that.

23 Q. Did you take any videos  
24 during the party that you organized  
25 after Ms. Robinson's departure?

1 M. KAPLAN

2 A. We took -- there was a --  
3 there was a picture/video that we  
4 were asked to take and sent to Bob  
5 and Tiffany, yes.

6 Q. Okay.

7 MS. HARWIN: Counsel,  
8 that video should be produced  
9 to us.

10 Q. Did Mr. De Niro --

11 MR. BENNETT: I am not  
12 aware of any such video. As  
13 far as I know it has been  
14 produced.

15 A. It was in the -- I -- it  
16 was texted so if it is so that --  
17 that is how I remember it. So I  
18 don't know what you are -- if there  
19 is a video.

20 Q. Did Mr. De Niro record and  
21 send a video for the party that you  
22 organized after Ms. Robinson's  
23 employment ended?

24 A. No, not that I remember.

25 Q. After Ms. Robinson's



1 M. KAPLAN

2 employment at Canal ended, Ms. Chen  
3 continued to want to investigate Ms.  
4 Robinson, that is correct?

5 A. She -- well, she wanted --  
6 I think she wanted Bob to know the  
7 -- you know, basically she really  
8 wanted him to see like what -- all  
9 the stuff -- the stuff with the  
10 miles specifically, and there were  
11 some e-mails I remember.  
12 Specifically I remember she really  
13 wanted to -- there was an e-mail  
14 where Chase had supposedly doctored  
15 it to take credit for something.  
16 And I remember Tiffany was really  
17 adamant at trying to find it after  
18 Chase resigned.

19 Q. But there was no e-mail  
20 that Ms. Robinson had doctored,  
21 correct?

22 A. Well, it was hard to find  
23 because -- yeah, it was hard to find  
24 because the person who was -- their  
25 e-mail inbox no longer existed so it

1 M. KAPLAN  
2 was -- it was -- we had to -- you  
3 know, it was hard to find because I  
4 didn't even know what I was looking  
5 for or where. I can't page through  
6 700,000 e-mails to figure this out.  
7 So it might exist but I don't -- I  
8 heard about it, but I never found it  
9 per se.

10 (Whereupon, Plaintiff's  
11 Exhibit 32, Canal 0047848,  
12 was marked for  
13 identification, as of this  
14 date.)

15 Q. I'm going to show you what  
16 has been marked as Exhibit 32  
17 beginning Canal 0047848.

18 A. I see it. Yes.

19 Q. Turning your attention to  
20 the e-mail that you wrote on April  
21 13th, 2019 -- I'm sorry. The text  
22 message that you wrote. Let me  
23 restart that.

24 Turning your attention to  
25 the text message that you wrote at

1 M. KAPLAN

2 9:24 p.m., on April 13th, 2019, do  
3 you see where you write, "He is on a  
4 war path for all incriminating shit  
5 on her now?"

6 A. Yes. This is what I just  
7 was talking about. Robin had  
8 mentioned to Bob and Tiffany that  
9 there was this e-mail that -- he  
10 said that I showed her years ago. I  
11 don't remember -- I didn't remember  
12 the specifics about it. And that  
13 was why I was asking Olivia who was  
14 the person who had told us about it  
15 and showed it to me to -- if she  
16 could remember it. And I wrote --  
17 yes. I guess wrote, "He is on a war  
18 path."

19 Q. When you wrote that Mr. De  
20 Niro was on a war path for all  
21 incriminating shit on Ms. Robinson,  
22 what was the basis for your saying  
23 that?

24 MR. DROGIN: Objection to  
25 the form.

1 M. KAPLAN

2 A. Like it is -- the basis is  
3 what -- is that essentially they --  
4 they were very -- they really wanted  
5 a list of all of the miles, how they  
6 were used, and they really -- this  
7 -- there was this specific e-mail  
8 they really wanted to see and they  
9 didn't seem like they were -- when I  
10 say yes -- they kept bringing it up,  
11 so I kept trying to find it, but --  
12 and as Olivia -- Olivia was somebody  
13 that -- like when she was fired by  
14 Chase, she had created all of this  
15 information as she references here  
16 about -- you know, she wrote a whole  
17 memorandum I remember. But, you  
18 know, it was going on because she  
19 didn't keep that computer and she  
20 didn't -- I had actually deleted her  
21 e-mail address because I thought why  
22 are we paying for this e-mail  
23 address? So there was no way of you  
24 know -- there was no way of finding  
25 that if it existed.

1 M. KAPLAN

2 Q. So what was your  
3 understanding of what incriminating  
4 shit was being looked for?

5 A. It was Bob really wanted to  
6 know -- he really wanted to know why  
7 -- like how much Chase had spent on  
8 cars, how much she had -- how many  
9 mile had been used. And these  
10 stories he was hearing about her  
11 just being a bully, and like all  
12 these things he was hearing, he  
13 wanted to still see -- I think he  
14 felt bad about it going on so long,  
15 and he so sort of just wanted to see  
16 it at all and wrap his head around  
17 it, I guess, is the best way to put  
18 it. I don't know war path, that is  
19 -- again, this is an e-mail written  
20 at 9:24 at night. I don't know if I  
21 had a few in me or not, but --

22 (Whereupon, Plaintiff's  
23 Exhibit 33, Canal 0047441,  
24 was marked for  
25 identification, as of this

1 M. KAPLAN

2 date.)

3 Q. The next exhibit, Exhibit  
4 33 begins at Bates Canal 0047441.

5 MR. DROGIN: Six-page  
6 exhibit containing 86 total  
7 messages.

8 Q. So Mr. Kaplan turning your  
9 attention to the message that you  
10 sent at 9:06 a.m., on June 12th,  
11 2019. Do you see where you write,  
12 "Wait. I talked to Tom?"

13 A. Yes.

14 Q. And then at 9:07 a.m. you  
15 wrote, "He told me he wants me to  
16 spend 24/7 thinking of crazy Chase  
17 shit and writing it down," is that  
18 right?

19 A. I see that, yes.

20 Q. Okay.

21 Tell me about the  
22 conversation that you had with Tom  
23 Harvey in which he told you this?

24 A. I don't remember the  
25 conversation. I remember -- I

1 M. KAPLAN  
2 remember hearing about this 300,000  
3 for two years idea in the press  
4 release now that I am reading it.  
5 But I don't remember the  
6 conversation. That was, again, a  
7 few years ago now.

8 Q. When you refer to that you  
9 understood that to be the severance  
10 that Ms. Robinson was proposing?

11 MR. DROGIN: Objection to  
12 the form.

13 A. Yes, she was -- my  
14 recollection is, you know, it was --  
15 it was outrageous to us because we  
16 thought Chase had a good run. She  
17 (inaudible).

18 Yes, it was very shocking  
19 for us to hear this us because she  
20 wanted to what was say a severance  
21 package to us who made 80 -- \$70,000  
22 a year. And yeah. So that was --  
23 that is something that stuck out to  
24 me, but, you know, she had a great  
25 run is what I was saying. I thought

1 M. KAPLAN

2 she should leave it at that and move  
3 on.

4 Q. So after Ms. Robinson  
5 proposed a severance in exchange for  
6 the release that Canal wanted, what  
7 instructions did Tom Harvey provide  
8 to Canal employees about looking for  
9 crazy Chase shit as you put it?

10 MR. DROGIN: Objection to  
11 the form. There is no  
12 testimony that there was a  
13 release. You are making that  
14 up. If you want to ask the  
15 witness what he knows about  
16 it, that is fine. You are  
17 suggesting something there is  
18 no foundation for it.

19 A. Yeah. I was going to say I  
20 don't know anything about a release.  
21 But I -- there was a press release  
22 that she wanted, but yeah. I --  
23 when you say -- when Tom said crazy  
24 shit idea, look -- we had -- as you  
25 mentioned earlier, right after --



1 M. KAPLAN  
2 before she left and right after she  
3 left, there had been a lot of  
4 compiling of stuff about her, and  
5 then we sort of let (inaudible)  
6 because we were moving on with life  
7 and try to -- and then, you know,  
8 now that we were -- it was sort of  
9 like a -- my understanding is -- my  
10 remembering is we got -- we had all  
11 of the stuff that we had found in  
12 her e-mails. We had to go through  
13 the e-mails because we needed  
14 passwords for things, we needed to  
15 change things and sort of putting it  
16 all together. We already had it.  
17 It wasn't like -- I don't remember --  
18 I don't recall in June of 2019  
19 having to go through a lot of stuff.  
20 I feel like we had already done this  
21 earlier in April, but I don't know.

22 MS. HARWIN: Can you  
23 repeat what the question was?  
24 (Whereupon, the requested  
25 portion was read back by the

1 M. KAPLAN

2 reporter:

3 Q: So after Ms. Robinson  
4 proposed a severance in  
5 exchange for the release that  
6 Canal wanted, what  
7 instructions did Tom Harvey  
8 provide to Canal employees  
9 about looking for crazy Chase  
10 shit as you put it?)

11 Q. Mr. Kaplan, after Ms.  
12 Robinson sought a severance, what  
13 instructions did Tom Harvey provide  
14 to Canal employees?

15 MR. DROGIN: Objection to  
16 the form. You can answer.

17 A. Yeah. My only -- my  
18 recollection -- I don't remember  
19 specific conversations, but I  
20 remember us gathering all of the  
21 things on Tom's orders that had been  
22 already gathered, sort of putting it  
23 all together into like a binder or  
24 whatever, just so it is in one  
25 place. So yeah. That is how I

1 M. KAPLAN  
2 remember that. I don't remember any  
3 specific conversations for him  
4 directly. It was just something we  
5 were all doing.

6 Q. Canal employees were  
7 supposed to compile negative  
8 information about Ms. Robinson, is  
9 that right?

10 MR. DROGIN: Objection to  
11 the form.

12 A. We were supposed to put  
13 into one place stuff that we had  
14 basically -- that had been already  
15 seen by Tiffany and Bob back in  
16 March and April, and in those coming  
17 -- following weeks. And things we  
18 learned that people didn't know  
19 until they started having regular  
20 access to her e-mail address and  
21 whatnot.

22 MS. HARWIN: Can you read  
23 back the question?

24 (Whereupon, the requested  
25 portion was read back by the

1 M. KAPLAN

2 reporter:

3 Q: Canal employees were  
4 supposed to compile negative  
5 information about Ms.  
6 Robinson, is that right?)

7 Q. I want you to just answer  
8 the question. Okay?

9 MR. DROGIN: So it is a  
10 yes or no?

11 Q. Tom Harvey instructed Canal  
12 employees to compile negative  
13 information about Ms. Robinson,  
14 correct?

15 MR. DROGIN: Objection to  
16 the form. You can answer.  
17 Yes-or-no question.

18 A. Yes.

19 Q. Mr. Harvey instructed Canal  
20 employees to compile information  
21 that would make Ms. Robinson look  
22 bad, correct?

23 MR. DROGIN: Objection to  
24 the form. It is a yes-or-no  
25 question.

1 M. KAPLAN

2 A. I would say no. No, not  
3 look bad, just things she had done.

4 Q. When you refer to "crazy  
5 Chase shit," that was stuff that  
6 would make Ms. Robinson look bad,  
7 right?

8 MR. DROGIN: Objection.

9 A. Yes. She did a lot of  
10 crazy shit, so it would make her  
11 look bad.

12 (Whereupon, Plaintiff's  
13 Exhibit 34, Canal 0049479,  
14 was marked for  
15 identification, as of this  
16 date.)

17 Q. I am going to show you what  
18 is Exhibit 34, which is beginning  
19 Canal 0049479. So this is a series  
20 of text messages between you and a  
21 person identified there as Mercedes.

22 What is Mercedes' full  
23 name?

24 A. Mercedes' full name is  
25 Tahir. T-A -- T-A-H-I-R. She is a

1 M. KAPLAN

2 former Tribeca intern.

3 Q. Do you see the second to  
4 last text message that you write to  
5 Mercedes Tahir, can you please read  
6 out loud that text message?

7 A. "I put a lot of work into  
8 this as she was threatening to sue  
9 Bob so they wanted to ruin her  
10 first."

11 Q. When did you first become  
12 aware that Ms. Robinson was  
13 threatening legal action against Mr.  
14 De Niro?

15 A. I don't remember the dates.  
16 These dates all blend together, but  
17 sometime that summer I guess.

18 Q. Did you communicate with  
19 Mr. De Niro at all about Ms.  
20 Robinson's threat of legal action?

21 A. No.

22 Q. Did you speak with Tiffany  
23 Chen at all concerning Ms.  
24 Robinson's threat of legal action?

25 A. No, because by this point

1 M. KAPLAN

2 Ms. Chen and I were not on the best  
3 of terms I don't believe.

4 Q. Did you have any  
5 communications with Mr. De Niro  
6 during the summer of 2019 about Ms.  
7 Robinson?

8 MR. DROGIN: Objection to  
9 the form.

10 A. I don't remember. I don't  
11 remember. It is possible. I don't  
12 remember. I don't think -- I don't  
13 remember any.

14 Q. Did you have any  
15 communications with Mr. De Niro --  
16 actually, let me -- let me ask a  
17 different question.

18 Turning to the  
19 investigation into Ms. Robinson,  
20 please identify for me everyone who  
21 was involved in investigating Ms.  
22 Robinson during the summer of 2019  
23 including yourself?

24 MR. DROGIN: Objection to  
25 the form. And only to the

1 M. KAPLAN

2 best of your knowledge.

3 A. To the best of my knowledge  
4 the people investigating her were --  
5 well, yeah, myself, Gillian Spear,  
6 Sabrina Weeks. It was mainly us as  
7 far as we had access to the -- you  
8 know -- I guess Michael Tasch, you  
9 know, was asked for financial  
10 things. And obviously I am sure,  
11 you know, lawyers were involved but  
12 yeah. I don't --

13 Q. The Canal employees who  
14 were involved in investigating Ms.  
15 Robinson were you, Sabrina  
16 Weeks-Britain, and Gillian Spear, is  
17 that right?

18 A. Yes.

19 Q. How did you, Ms.  
20 Weeks-Britain, and Gillian Spear  
21 divvy up your work with respect to  
22 the investigation?

23 A. I don't recall divvying up  
24 things. It was more of like -- it  
25 was just -- I think it was just sort



1 M. KAPLAN  
2 of, you know, if you had an idea.  
3 Oh, I remember that thing, or let's  
4 look at that. It was things that I  
5 don't -- you know, it wasn't, you  
6 know, deep private investigative  
7 firm here. We are just three idiots  
8 sitting in front of a computer. We  
9 were just downloading, you know, her  
10 Netflix account, and her car service  
11 bills, and going -- you know, there  
12 was things that we would contact  
13 travel people to get like things  
14 about her travel and stuff like  
15 that. But it wasn't -- I don't  
16 remember a process of -- a divvying  
17 up process. It was just sort of  
18 people did what they did.

19 Q. So there were no specific  
20 subjects that any one individual at  
21 Canal was more in charge of than  
22 others, is that correct?

23 MR. DROGIN: Objection to  
24 the form.

25 A. Yeah. I mean, I think that

1 M. KAPLAN

2 Gillian and -- and Sabrina probably  
3 did the most of the digging into her  
4 e-mails, and -- to my knowledge, to  
5 my memory. Especially Gillian, I  
6 believe. But other than that, there  
7 was no real specialization, no.

8 Q. Who were the people who  
9 were involved in reviewing the  
10 credit card bills for the American  
11 Express under Ms. Robinson's name?

12 MR. DROGIN: If you know.

13 THE WITNESS: What is  
14 that?

15 MR. DROGIN: If you know.

16 A. You mean during the legal  
17 part of this? The investigation?  
18 Who reviewed her credit card bills?

19 Q. During the investigation  
20 into Ms. Robinson in the summer of  
21 2019, who was involved in reviewing  
22 the American Express bills for the  
23 Canal credit card under Ms.  
24 Robinson's name?

25 A. I think it was sort of a --

1 M. KAPLAN

2 if we thought of things -- like I  
3 think Gillian looked through a lot  
4 of it. I don't remember. I just  
5 don't remember the exact who did  
6 what, but I think, you know, if it  
7 was like -- the amount of car  
8 services, that is like a specific  
9 thing. You get the credit card  
10 bill, and you search -- I think  
11 Michael -- Berdon still had access  
12 to all the credit cards. So I think  
13 they did a lot looking up like  
14 breakdowns. I feel like I remember  
15 Sabrina having like a specific like  
16 this was how much money was spent on  
17 -- at Paola's or something. She did  
18 a lot of like -- in an Excel sheet  
19 like adding. But -- yeah. I don't  
20 remember specifically the actual  
21 credit card bills if anybody did  
22 that.

23 MR. DROGIN: Counsel, so  
24 the record is clear, I just  
25 want to state that Canal

1 M. KAPLAN  
2 reserves the right to object  
3 to any questions at the  
4 30(b)(6) that overlap these  
5 topics since you are choosing  
6 to question this witness  
7 about it.

8 MS. HARWIN: Obviously we  
9 object to that instruction,  
10 and we are allowed to ask  
11 this question -- these  
12 questions to this witness  
13 prior to the 30(b)(6) to  
14 inform the 30(b)(6).

15 MR. DROGIN: You can, but  
16 I am telling you that you are  
17 asking a witness who is not  
18 speaking on behalf of Canal.  
19 So it should be understood  
20 that these answers are simply  
21 to the best of his knowledge  
22 and you are choosing to waive  
23 the right to ask the 30(b)(6)  
24 about them.

25 MS. HARWIN: We are not

1 M. KAPLAN

2 waiving the right to ask the  
3 30(b)(6) witness questions  
4 within the 30(b)(6) topics.

5 MR. DROGIN: We will get  
6 a ruling from the judge on it  
7 then, because I don't think  
8 you are. And you are wasting  
9 our time at this deposition.

10 MS. HARWIN: Counsel,  
11 please stop.

12 Q. Mr. Kaplan, the -- all  
13 three of you Canal employees, Ms.  
14 Spear, Ms. Weeks-Britain, and  
15 yourself, you were all involved in  
16 reviewing the credit card records,  
17 is that correct?

18 A. In some capacity I believe,  
19 yes.

20 Q. Who provided instructions  
21 to you, Ms. Spear and Ms.  
22 Weeks-Britain with respect to the  
23 investigation into Ms. Robinson?

24 A. I don't recall any  
25 instructions. It was more of, you

1 M. KAPLAN

2 know, what -- what did -- what did  
3 she do that, you know, that is on  
4 the credit cards?

5 Q. Who were you in touch with  
6 as you were continuing to look into  
7 Ms. Robinson's activities?

8 A. I mean, it would be -- you  
9 know, Tom was the lawyer who we --  
10 who would ask us questions about  
11 things. And off his questions we  
12 would look up things sometimes I  
13 guess is the best way to put it.

14 Q. Did you provide any updates  
15 to Mr. De Niro about your  
16 investigation?

17 A. I don't remember doing  
18 that, no.

19 Q. During your employment at  
20 Canal, did Canal ever investigate  
21 any other employee who resigned  
22 besides Ms. Robinson?

23 A. Did Canal ever investigate  
24 any employee who resigned? No.  
25 There was never anybody that

1 M. KAPLAN

2 resigned in the manner that she  
3 resigned, so no.

4 Q. How much of your work and  
5 time during the summer of 2009 was  
6 spent investigating Ms. Robinson?

7 A. 2019?

8 Q. I'm sorry. Let me restate  
9 that. Yes.

10 During the summer of 2019,  
11 how much of your working time was  
12 spent investigating Ms. Robinson?

13 A. I mean, I have no idea how  
14 much time we spent. Because, again,  
15 a lot of was stuff we already had  
16 done and we were kind of combining  
17 it, or getting a little bit more of  
18 the same thing so I don't -- I don't  
19 know.

20 Q. Can you provide an estimate  
21 of the time that you spent during  
22 the summer of 2019 --

23 A. No.

24 Q. Remember, you have to let  
25 me finish the question and then you

1 M. KAPLAN

2 can provide your answer. Okay?

3 During the summer of 2019,  
4 can you provide an estimate as to  
5 approximately how much your work and  
6 time you were spending on matters  
7 concerning Ms. Robinson?

8 A. I cannot, no. I would say  
9 I have no -- no idea, no memory of  
10 how much time was spent.

11 (Whereupon, Plaintiff's  
12 Exhibit 35, Canal 0047951,  
13 was marked for  
14 identification, as of this  
15 date.)

16 Q. I am going put another  
17 exhibit in the chat, which is number  
18 35 I believe, beginning Canal  
19 0047951.

20 Do you have that?

21 A. Uh-huh.

22 Q. Okay.

23 So turning your attention  
24 to the chat that -- I'm sorry. The  
25 text that Gillian Spear sent you at



1 M. KAPLAN

2 12:49 p.m., on June 12th, 2019, do  
3 you see where she writes, "Are you  
4 still avoiding telling Tom about  
5 Chase's PC sheet or can I?"

6 A. Yes, I see that.

7 Q. Why were you avoiding  
8 speaking to Tom Harvey about Ms.  
9 Robinson's petty cash --

10 A. I have -- sorry. I have no  
11 idea what that is about.

12 Q. Were you concerned about  
13 sharing information about Ms.  
14 Robinson's petty cash sheet with Tom  
15 Harvey?

16 A. No, I don't think so. I  
17 just think -- yeah. I don't know if  
18 this avoiding means like because it  
19 is going to be good, or I don't  
20 really know what she is referring to  
21 there to be honest.

22 Q. Okay.

23 As part of the  
24 investigation into Ms. Robinson, you  
25 investigated Ms. Robinson's taxi and

1 M. KAPLAN

2 Uber expenses, is that right?

3 A. Yes.

4 Q. The allegation that Ms.  
5 Robinson had improperly charged taxi  
6 and Uber expenses was based on your  
7 review of the Canal's American  
8 Express card statements, is that  
9 right?

10 MR. DROGIN: Objection to  
11 the form.

12 A. It was a combination of --

13 MR. DROGIN: I object.

14 That is a question for Canal  
15 to answer. But again, if you  
16 are going to ask him about  
17 it, our position is you will  
18 not be asking the 30(b)(6)  
19 about it. So go right ahead.

20 A. Her taxi expenses were  
21 gathered through credit cards,  
22 through the petty cash, and through  
23 car service bills through the  
24 citywide company that, you know,  
25 were car services she had taken.

1 M. KAPLAN

2 That is how I remember it.

3 Q. Are you aware of Canal  
4 employees reviewing any other  
5 documents to conclude that Ms.  
6 Robinson had improperly charged taxi  
7 and Uber expenses?

8 MR. DROGIN: Objection  
9 and same comment that this  
10 waives the 30(b)(6). This is  
11 a witness who has not been  
12 asked to testify about this  
13 -- designated rather.

14 MS. HARWIN: He is  
15 testifying as a fact witness  
16 about what he understands  
17 Canal employees to have  
18 reviewed. It is a perfect  
19 question. Go ahead.

20 MR. DROGIN: Yes. But  
21 you are going beyond what he  
22 understands they reviewed to  
23 how Canal -- with Canal did  
24 with the information.

25 MS. HARWIN: If you

1 M. KAPLAN

2 listen to the question back  
3 that is not the case.

4 MR. DROGIN: Why don't we  
5 have the question read back?

6 (Whereupon, the requested  
7 portion was read back by the  
8 reporter:

9 Q: Are you aware of  
10 Canal employees reviewing any  
11 other documents to conclude  
12 that Ms. Robinson had  
13 improperly charged taxi and  
14 Uber expenses?)

15 MR. DROGIN: Who is  
16 concluding there, Canal or  
17 the individuals? If it is  
18 the individuals, that is  
19 fine.

20 MS. HARWIN: It says,  
21 "Canal employees," Counsel.

22 MR. DROGIN: Yes. And  
23 you are talking about a  
24 conclusion. So if  
25 individuals conclude

1 M. KAPLAN

2 something, that is fine. If  
3 you are -- let's make sure  
4 that you are not talking  
5 about --

6 MS. HARWIN: Counsel, the  
7 question is clear.

8 MR. DROGIN: It is not.  
9 It is not, and I want to make  
10 sure it is clear that his  
11 answer is not binding on  
12 Canal.

13 MS. HARWIN: Counselor,  
14 you said that many times that  
15 he is not your 30(b)(6)  
16 witness.

17 MR. DROGIN: Okay. Then  
18 I will take a standing  
19 objection to anything where  
20 this witness is being  
21 questioned in a way where you  
22 are going to attempt to use  
23 his answers to bind Canal, to  
24 a topic that you designated  
25 for questioning under a

1 M. KAPLAN

2 30(b)(6). Go right ahead.

3 Q. You can answer the  
4 question.

5 A. The question is am I aware  
6 of any other uses -- ways to --

7 MS. HARWIN: Madam Court  
8 Reporter, can you read back  
9 the question?

10 (Whereupon, the requested  
11 portion was read back by the  
12 reporter:

13 Q: Are you aware of  
14 Canal employees reviewing any  
15 other documents to conclude  
16 that Ms. Robinson had  
17 improperly charged taxi and  
18 Uber expenses?)

19 A. No, because Canal  
20 employees, we were reviewing to find  
21 out the total she had spent. We  
22 weren't -- we weren't reviewing to  
23 see which improper. That wasn't --  
24 that wasn't what we were tasked  
25 with. So, it was like, you know, it

1 M. KAPLAN

2 was like this is how much car  
3 services she spent. That is not --  
4 that is what we were doing.

5 Q. So when Canal employees  
6 tabulated Ms. Robinson's taxi and  
7 Uber expenses, Canal employees  
8 weren't expressing any opinion as to  
9 whether those charges were proper or  
10 improper, is that correct?

11 A. Yeah, that is correct. We  
12 were just tabulating the total of  
13 how much she spent a year.

14 Q. When Canal employees were  
15 tabulating Ms. Robinson's charges at  
16 Paola's restaurant, Canal employees  
17 weren't reaching any conclusion as  
18 to whether or not the expenses were  
19 proper or improper, correct?

20 A. Correct. We were just  
21 showing the total. This is how much  
22 she spent here, and this is how much  
23 she spent there.

24 Q. When Canal employees  
25 identified flower expenses from --

1 M. KAPLAN

2 let me restate that.

3 When Canal employees  
4 tabulated expenses from Flowers by  
5 Phillip, Canal employees didn't  
6 reach any conclusion as to whether  
7 those charges were proper or  
8 improper, is that correct?

9 MR. DROGIN: Objection to  
10 the form. You can answer it.

11 A. Speak -- I am speaking for  
12 myself, but I -- I believe that that  
13 -- in that situation Gillian  
14 specifically was deciding it was --  
15 she thought it was improper because  
16 she had found evidence that it was  
17 stuff that was going to Chase's home  
18 so we knew it wasn't going to the  
19 office when it came to flowers. But  
20 that is how I remember that. But  
21 again, we were -- again, we were  
22 just showing -- we were just  
23 accumulating evidence of  
24 improprieties, but without -- yeah.  
25 We weren't specifically saying



1 M. KAPLAN

2 anything about any of them.

3 Q. When Canal employees  
4 investigated Ms. Robinson's expenses  
5 from Whole Foods, Canal employees  
6 didn't reach any conclusion as to  
7 whether the charges were proper or  
8 improper, correct?

9 MR. DROGIN: Objection to  
10 the form. You can answer.

11 A. Yeah, we just found the  
12 total she spent at Whole Foods, yes.

13 Q. When Canal employees  
14 investigated Ms. Robinson's charges  
15 at Dean & DeLuca, Canal employees  
16 didn't reach any conclusion as to  
17 whether the charges were proper or  
18 improper, correct?

19 MR. DROGIN: Objection to  
20 the form. You are asking him  
21 about other witnesses. You  
22 are asking about all Canal  
23 employees. You are doing it  
24 again. It is a trick  
25 question. You are asking him

1 M. KAPLAN

2 about his knowledge, not what  
3 other people concluded. It  
4 is a trick question.

5 MS. HARWIN: Counselor,  
6 please refrain.

7 Q. Mr. Kaplan, please answer  
8 the question.

9 MR. DROGIN: Please  
10 refrain from misleading the  
11 witness.

12 A. I will say -- Canal  
13 employees, you are talking to me,  
14 Gillian, and Sabrina, so I don't  
15 know if we would have the same exact  
16 opinion on what was -- you know,  
17 because they weren't allowed to buy  
18 all of the stuff at all these places  
19 that we are talking about here on  
20 their own. So they would say it was  
21 improper. Our job was -- we were  
22 tasked to give a total, so yes.

23 Q. And when you evaluated the  
24 charges at Whole Foods that were  
25 charged on Ms. Robinson's card, you

1 M. KAPLAN

2 didn't reach a conclusion as to  
3 whether all of the charges were  
4 proper or improper, is that correct?

5 MR. DROGIN: Objection to  
6 the form.

7 A. It was -- again, like -- I  
8 wasn't -- my job at that point  
9 wasn't to reach a conclusion on what  
10 I thought was proper or improper. I  
11 thought it was excessive, but, yeah.  
12 I didn't -- I didn't -- again, I  
13 didn't -- I don't remember going  
14 through it restaurant by restaurant  
15 and being like Whole Foods, this,  
16 that. It was more like this is how  
17 much money she spent on food.

18 Q. And you didn't reach any  
19 conclusion as to whether the charges  
20 at Dean & DeLuca that appeared on  
21 Ms. Robinson's credit card were  
22 proper or improper, correct?

23 MR. DROGIN: Objection to  
24 the form.

25 A. I didn't reach any

1 M. KAPLAN

2 conclusions myself personally.

3 Q. Were you involved in  
4 investigating any issues concerning  
5 Ms. Robinson being reimbursed for  
6 unused vacation days?

7 A. No.

8 Q. Who was involved in  
9 investigating that issue?

10 A. I don't -- I don't know  
11 what you mean by investigating that  
12 issue. I mean, it was an e-mail. I  
13 think Gillian found an e-mail that  
14 she had sent that I mentioned  
15 earlier with all the vacation  
16 situation. And then if I was  
17 involved it would be in showing when  
18 she was on vacation, like when she  
19 was traveling and stuff like that.

20 Q. Did you track down e-mails  
21 to identify work that Ms. Robinson  
22 was performing on those days when  
23 she was away?

24 A. Did I -- I don't remember  
25 if we -- if I went that far or not.

1 M. KAPLAN

2 I don't recall.

3 Q. Were you involved in  
4 investigating Ms. Robinson's use of  
5 petty cash?

6 A. Yes, because we were -- we  
7 had the total so we were using the  
8 petty cash -- you know, it was the  
9 same as credit card bill. It is  
10 like this is what she spent money  
11 on, so there is petty cash and there  
12 is credit card.

13 Q. And when it came to petty  
14 cash expenses, as far as you know,  
15 Canal employees didn't reach any  
16 determination as to whether the  
17 charges that you flagged were proper  
18 or improper, is that correct?

19 MR. DROGIN: Objection to  
20 the form.

21 A. The petty cash, in my  
22 opinion, there was definitely a  
23 sense that some of these things were  
24 not proper as far as some of the  
25 charges that we looked at earlier.

1 M. KAPLAN

2 The dog you mentioned, and then some  
3 of the tips and whatnot. But I  
4 don't -- I don't recall like -- it  
5 wasn't like a -- again, I am just  
6 speaking for myself. So people in  
7 the office didn't think it was  
8 proper.

9 Q. Did you reach any  
10 conclusion as to whether the petty  
11 cash expenses that were flagged by  
12 Canal employees were proper or  
13 improper?

14 A. In 2019, I did not -- no.  
15 I didn't -- I didn't reach any  
16 conclusion.

17 Q. As far as you know, did  
18 anyone review receipts that Ms.  
19 Robinson had submitted for the petty  
20 cash charges that were flagged?

21 A. I -- I -- like I said, the  
22 receipts all went to Berdon. I  
23 don't know what their review process  
24 was, so I don't know.

25 Q. Were any receipts provided

1 M. KAPLAN

2 back to Canal employees for review?

3 A. During that time period, I  
4 don't remember that happening, no.

5 Q. When you were employed by  
6 Canal, you had a profile on Canal's  
7 Netflix account, is that right?

8 A. Yes.

9 Q. And Ms. Robinson also had a  
10 profile on Canal's Netflix account,  
11 isn't that right?

12 A. Yes.

13 Q. As far as you are aware,  
14 were there any restrictions or  
15 limitations on your or Ms.  
16 Robinson's ability to access  
17 Netflix?

18 A. What do you mean by  
19 restrictions? If you have a  
20 password, you can access Netflix.

21 Q. Were there any rules  
22 regarding when you or Ms. Robinson  
23 were allowed to use Netflix?

24 A. There was no -- I mean, the  
25 Netflix -- it started -- she had a

1 M. KAPLAN

2 -- we had a Netflix account for  
3 gifts one year, and we had a huge  
4 credit, and it was on the contract.  
5 And no, there was no rules as far as  
6 like the official rules. I am not  
7 -- it was just a Netflix account  
8 that we both had access to.

9 Q. And you regularly used that  
10 Netflix account that you had access  
11 to, right?

12 MR. DROGIN: Objection to  
13 the form.

14 A. I -- my children watched a  
15 lot of -- especially in the kid's  
16 profile. There is three profiles on  
17 the Netflix account. There might  
18 have been four because there was --  
19 - well, I don't know the timeline.  
20 But yeah, there was a kids, there  
21 was Chase, and there was me. My  
22 kids watched a lot of Netflix shows,  
23 yes. I very rarely because I don't  
24 watch a lot of that -- that -- I did  
25 occasionally maybe, but not very



1 M. KAPLAN

2 often.

3 (Whereupon, Plaintiff's  
4 Exhibit 36, Canal 0010215,  
5 was marked for  
6 identification, as of this  
7 date.)

8 Q. I am going to show you  
9 Exhibit 36, which is beginning at  
10 Canal 0010215. Let me know when you  
11 have that.

12 A. Okay.

13 Q. What is this document?

14 A. It is still opening.

15 MR. DROGIN: It is still  
16 loading.

17 A. It is the Netflix account  
18 where I crossed off things that I --  
19 that I didn't believe Chase had  
20 watched.

21 Q. When you crossed off things  
22 that you didn't believe Chase had  
23 watched, what was the basis for you  
24 crossing off those items?

25 A. Because When They See Us

1 M. KAPLAN

2 was a -- I think that was

3 essentially Tribeca related or I

4 don't know. Maybe I must have seen

5 that myself or I don't know what.

6 But the rest is all kids stuff, as

7 you can see, Barbie, and Miraculous

8 and Chicken Little. And I don't

9 know what the last thing is because

10 it is crossed off. I can't read it.

11 But yeah -- things that I knew my

12 kids had watched.

13 Q. So these were videos that

14 had been accessed through Ms.

15 Robinson's Canal viewing profile,

16 but that you knew hadn't been

17 watched by Ms. Robinson, correct?

18 A. No, because when you look

19 at Netflix it doesn't show you -- in

20 this form, at least back then, it

21 didn't show you, I don't think by

22 profile. I think it showed you it

23 was all together. The whole

24 account, I believe. I could be

25 wrong, but either way I knew it was

1 M. KAPLAN

2 not -- I knew those items were  
3 definitely not Chase's. Also, they  
4 were -- they were actually after she  
5 stopped working as well, so maybe  
6 that is why I crossed them all off,  
7 too.

8 Q. And if you turn through the  
9 viewing history, there are shows  
10 accessed by numerous people as far  
11 as you can tell, is that right?

12 MR. DROGIN: Objection to  
13 the form.

14 A. No. I don't think so  
15 actually. I think it was -- there  
16 was -- there might have been  
17 occasion -- very small occasion to a  
18 specific movie Bob had watched on  
19 Netflix. But most of it was -- it  
20 was either Chase or my children and  
21 -- in most cases. And occasionally  
22 I used it too for things. But back  
23 then especially, pre-pandemic, I  
24 didn't watch a lot of Netflix. I am  
25 pretty sure that when you go on it,

1 M. KAPLAN

2 it just kind of combines. At least  
3 in 2019 when we did this. Maybe now  
4 it separates it up. I think it  
5 combined it one thing, or maybe this  
6 is just her profile. Because, you  
7 know what it is, we changed the  
8 password, that is what it is. When  
9 you change the password, we change  
10 the profile so it became a different  
11 -- so all the things that are --  
12 whatever her old account became,  
13 those are watched on, so I --  
14 obviously she didn't watch them.

15 Q. Looking at this document,  
16 you can't tell who accessed which  
17 shows on Netflix, is that correct?

18 A. I mean, if you don't know  
19 anything about any of the people  
20 involved, then yes, you can't tell  
21 who watched them.

22 Q. There is nothing in this  
23 document that identifies who watched  
24 what, is that correct?

25 A. In this specific document

1 M. KAPLAN

2 you are showing me, no.

3 Q. And this Netflix viewing  
4 history doesn't show the times that  
5 any videos were accessed, is that  
6 correct?

7 A. That is correct. But there  
8 is a lot of shows that are watched  
9 all day long. But yes, that is true  
10 that it doesn't show the times.

11 Q. So were there any records  
12 that Canal employees compiled, as  
13 far as you know, that identified  
14 what times the videos were watched  
15 on these days?

16 A. Well, we would receive  
17 e-mail to the -- the only thing we  
18 knew -- well, first of all, you have  
19 a time because you know if it is  
20 like -- if it the show is on all day  
21 long, or most of the day, but we  
22 knew that -- this all started  
23 because we knew -- we had one of the  
24 e-mail addresses in the office, the  
25 Canal Productions -- I think had

1 M. KAPLAN

2 received -- would receive e-mails  
3 when Chase would be out of the  
4 country, and get -- like, when you  
5 sign into Netflix from another  
6 country they tell you, to make sure  
7 it is not fraud. So that was  
8 something that we are like, oh. So,  
9 you know, people knew when she was  
10 watching Netflix in London, per se,  
11 because they got an e-mail about it.  
12 That is -- that is -- that is it.

13 It doesn't tell obviously when you  
14 are in America. So it wasn't --

15 Q. So Canal employees didn't  
16 have any records of the times when  
17 Ms. Robinson accessed Netflix when  
18 she was in New York, is that  
19 correct?

20 MR. DROGIN: Objection to  
21 the form.

22 A. There might be another form  
23 that has times. I don't know how  
24 the Netflix account works. But to  
25 my memory, no it is just like does

1 M. KAPLAN

2 this, and I believe there is a page  
3 that would show -- that showed like  
4 if it was a TV or a Mac. But it  
5 doesn't say on the Netflix account  
6 specifically time or --

7 Q. There was nothing improper  
8 about Ms. Robinson watching Netflix  
9 at night, right?

10 MR. DROGIN: Objection to  
11 the form.

12 A. No. If -- no, of course  
13 not.

14 Q. And there is nothing  
15 improper about Ms. Robinson watching  
16 Netflix on a day that she wasn't  
17 working, correct?

18 A. On a day that she wasn't  
19 working, um, no.

20 Q. Meaning, correct?

21 A. Sure. Correct.

22 Q. Are you aware if Ms.  
23 Robinson ever falling asleep with  
24 Netflix on in the background?

25 A. Am I aware of her falling

1 M. KAPLAN

2 asleep with Netflix on in the  
3 background? No. I wouldn't have  
4 knowledge of that.

5 Q. You don't have knowledge of  
6 that either way, whether she would  
7 put on Netflix at night when she was  
8 falling asleep?

9 A. No. Of course not.

10 Q. Okay.

11 So looking at the Netflix  
12 viewing history that you compiled,  
13 you have no way of knowing whether  
14 the videos here were accessed during  
15 the day or at night, is that  
16 correct?

17 MR. DROGIN: Objection to  
18 the form.

19 A. Looking at this specific  
20 thing, I have no way of knowing. I  
21 don't -- yeah.

22 Q. Okay.

23 As far as you are aware,  
24 did Canal employees have any  
25 documentation that allowed for



1 M. KAPLAN

2 anyone to conclude whether the  
3 Netflix shows that were being viewed  
4 were accessed at night or during the  
5 day?

6 MR. DROGIN: Objection to  
7 the form.

8 A. Well, all I am aware of is  
9 that some of these -- like binges so  
10 to speak, are on weekdays. And  
11 there is so many of them that I  
12 mean, it would have to be literally  
13 on all night. And I think Netflix  
14 goes to sleep on you if you are  
15 asleep at some point. Just common  
16 -- just reasoning, it just led us to  
17 believe that a lot of this was on  
18 during the day because it just has  
19 to be. And I think -- I don't know  
20 if you go on the website, on  
21 Netflix, you can still see that, but  
22 this was the original first time we  
23 looked at it.

24 Q. But that was your  
25 assumption that these were watched

1 M. KAPLAN

2 during the day, you didn't have  
3 anything to prove that, correct?

4 MR. DROGIN: Objection to  
5 the form.

6 A. There is just so many  
7 episodes on so it has to cover the  
8 day and the night because there is  
9 23 -- whatever episodes in the day.  
10 Just -- I don't firsthand know, if  
11 that is what you are asking, when  
12 she was watching television.

13 Q. I'm going to drop into the  
14 chat --

15 A. Actually, I will say. Can  
16 I say one other thing? I also was  
17 aware -- because I had been to her  
18 apartment where she had a computer  
19 screen that had Netflix -- that had  
20 like shows running. I knew like she  
21 had -- she had it on during the day  
22 also firsthand. I had been there a  
23 couple of times. I believe 30 Rock  
24 might have been on. So yeah, that  
25 is another reason why I was like I

1 M. KAPLAN  
2 am aware that she was watching TV  
3 during the day. I am not even  
4 making a -- I am not saying how much  
5 she watched during the day, but I  
6 knew she did.

7 Q. There were times while Ms.  
8 Robinson had it on as background  
9 noise while she was doing, you know,  
10 mindless tasks?

11 MR. DROGIN: Objection.  
12 Unless mindless tasks is  
13 (inaudible). I object.

14 A. I don't know what she was  
15 doing. I mean, when she had on  
16 because, you know, we -- if she had  
17 it on because usually you would  
18 pause it when someone comes in to  
19 talk or whatever. So I don't know  
20 if it was -- I would be guessing  
21 what she was doing. I wasn't there  
22 so -- because I didn't ask her  
23 either way.

24 (Whereupon, Plaintiff's  
25 Exhibit 37, Canal 0049181,

1 M. KAPLAN

2 was marked for  
3 identification, as of this  
4 date.)

5 Q. So for Exhibit 37, that is  
6 Bates stamped beginning Canal  
7 0049181.

8 MR. DROGIN: Is this a  
9 new exhibit?

10 MS. HARWIN: I believe it  
11 is.

12 MR. DROGIN: I'm sorry.  
13 What was the number?

14 MS. HARWIN: 37.

15 MR. DROGIN: 00?

16 A. I do have to run in a few  
17 minutes if it makes a difference.

18 MR. DROGIN: What is the  
19 Bates number? Can you just  
20 identify the document again?

21 MS. HARWIN: It is Canal  
22 0049181 through 182.

23 Q. Do you recognize this as a  
24 text exchange that you had with  
25 Amelia Brain on July 11, 2019?

1 M. KAPLAN

2 A. Yes.

3 Q. Ms. Brain had worked  
4 directly with Ms. Robinson when she  
5 had been at Canal, is that right?

6 A. She had -- yeah. Yes.

7 Q. You wrote, "OMG. We just  
8 stumbled upon her Netflix viewing  
9 history."

10 Who was it that stumbled  
11 upon Ms. Robinson's Netflix viewing  
12 history?

13 A. It was the office because  
14 it was the idea that we -- the  
15 e-mail, you know, had come --  
16 thinking like oh, right, you get the  
17 e-mail when she was abroad. So it  
18 was like let's look at the history.

19 Q. Ms. Brain wrote that Ms.  
20 Robinson, quote, "Never actually  
21 watches anything. She just needs  
22 noise 24/7."

23 Do you see that?

24 A. Yes, I do see that.

25 Q. Is there anything improper

1 M. KAPLAN

2 about having Netflix on as  
3 background noise while Ms. Robinson  
4 was doing work?

5 A. I am not -- I don't -- I  
6 don't -- I am not one to judge what  
7 is proper or not. I don't know how  
8 you want me to answer that. That is  
9 a matter of opinion. If you are in  
10 an office, you wouldn't have it on,  
11 but if you are at home, I guess it  
12 is fine if you are --

13 Q. Ms. Brain also wrote, "I am  
14 pretty sure she plays them while she  
15 sleeps, too."

16 Did you have any reason to  
17 dispute what Ms. Brain was telling  
18 you that Ms. Robinson would play  
19 Netflix while she was sleeping?

20 A. No. I just -- I could be  
21 wrong because I don't do it while I  
22 sleep, but I thought if you don't  
23 touch it for a while it sort of like  
24 dies on you, but maybe I am wrong  
25 about that. That is how I remember

1 M. KAPLAN  
2 thinking. No, I don't know. Amelia  
3 would know better than I, so if she  
4 says that, she says that.

5 Q. I know you need to take a  
6 break, Mr. Kaplan. So I think this  
7 is probably a good time for it.  
8 When -- when are you -- let's go off  
9 the record and you can tell us when  
10 we can resume.

11 THE VIDEOGRAPHER: The  
12 time is now 3:26 p.m. We are  
13 off the record.

14 (Whereupon, a recess was  
15 taken at this time.)

16 THE VIDEOGRAPHER: Time  
17 is now 4:16 p.m. We are back  
18 on the record.

19 Q. Mr. Kaplan, you understand  
20 that you are still under oath?

21 A. Yes.

22 Q. Did you have any  
23 involvement in investigating for  
24 Canal Ms. Robinson's trip to Los  
25 Angeles from March of 2018?

1 M. KAPLAN

2 A. Investigate -- in compiling  
3 the information? Yes. I was  
4 involved in that.

5 Q. Were any other Canal  
6 employees involved in investigating  
7 the issues concerning the March  
8 2018 trip to Los Angeles?

9 MR. DROGIN: I'm sorry.  
10 Did you start questioning the  
11 witness?

12 MS. HARWIN: Yeah. I  
13 understood we were ready to  
14 go.

15 MR. DROGIN: Was that  
16 your first question?

17 MS. HARWIN: I believe it  
18 was.

19 MR. DROGIN: Could I hear  
20 the questions that resumed  
21 after the break? I just  
22 logged on.

23 (Whereupon, the requested  
24 portion was read back by the  
25 reporter:



1 M. KAPLAN

2 Q: Mr. Kaplan, you  
3 understand that you are still  
4 under oath?

5 A: Yes.

6 Q: Did you have any  
7 involvement in investigating  
8 for Canal Ms. Robinson's trip  
9 to Los Angeles from March of  
10 2018.

11 A: Investigate -- in  
12 compiling the information?  
13 Yes. I was involved in that.

14 Q: Were any other Canal  
15 employees involved in  
16 investigating the issues  
17 concerning the March  
18 2018 trip to Los Angeles?)

19 MR. DROGIN: I have no  
20 idea why you started the  
21 questions without me, but --

22 MS. HARWIN: We asked  
23 whether we were ready to  
24 proceed. No one indicated --  
25 I apologize if there was any

1 M. KAPLAN

2 confusion.

3 MR. DROGIN: What did I  
4 say since I wasn't on?

5 MS. HARWIN: Counsel, I  
6 didn't realize you weren't  
7 on, and no else on the  
8 defense side indicated that  
9 we weren't ready to proceed.

10 Q. Mr. Kaplan was anyone else  
11 from Canal involved in investigating  
12 issues concerning Ms. Robinson's  
13 trip to Los Angeles of March of  
14 2018?

15 A. Yeah. I believe the office  
16 -- Gillian Spear and Sabrina were  
17 involved in that as well.

18 Q. And as part of Canal's  
19 investigation, Canal employees  
20 tabulated expenses relating to Ms.  
21 Robinson's trip to Los Angeles, from  
22 March of 2018, is that correct?

23 A. Yes. From whatever dates  
24 she was there, yes.

25 Q. And did you or any other

1 M. KAPLAN

2 Canal employees reach any  
3 conclusions as to whether the  
4 charges associated with Ms.  
5 Robinson's trip to Los Angeles of  
6 March of 2018 were proper or  
7 improper?

8 MR. DROGIN: Objection to  
9 the form. You can answer.

10 A. We, as an office, thought  
11 they were improper in the sense that  
12 they seemed like a trip that wasn't  
13 necessary to be a trip. But --  
14 yeah.

15 Q. Ms. Robinson worked closely  
16 with Robin Chambers on matters  
17 concerning Mr. De Niro's former  
18 partner Toukie Smith, is that  
19 correct?

20 MR. DROGIN: Objection to  
21 the form. You can answer.

22 A. Yes. Robin was -- Ms.  
23 Chambers was working -- my remember  
24 - I remember she was working with  
25 Toukie when her health was

1 M. KAPLAN

2 deteriorating, and then Chase came  
3 in and sort of took over with that  
4 operation with Robin and myself  
5 still helping her.

6 Q. Ms. Chambers and Ms.  
7 Robinson were the people at Canal  
8 who were primarily involved in  
9 handling matters involving Toukie  
10 Smith, is that right?

11 A. Ms. Chambers -- yeah.  
12 Chase, Robin, and myself. But Chase  
13 would -- it would be the primarily  
14 -- the people who were handling it,  
15 yes.

16 Q. Ms. Chambers testified that  
17 the primary purpose of Ms.  
18 Robinson's trip to Los Angeles, in  
19 March 2018, had to do with scouting  
20 out hotels for Toukie Smith, and not  
21 the delivery of Taxi Driver books.

22 Do you have any basis to  
23 dispute Ms. Chambers' testimony?

24 A. Look, I did not at any  
25 point remember being involved in a

1 M. KAPLAN

2 discussion about that being the  
3 reason. To scout hotels is not  
4 something we ever did. I don't  
5 dispute it. If Robin said it, that  
6 is different. But my recollection  
7 was -- at the time, was that she was  
8 going out there to bring the Taxi  
9 Driver books, which -- to get  
10 signed. And we also knew it was  
11 Amelia's birthday that week.

12 Q. Does hearing about Ms.  
13 Chambers' testimony, about the March  
14 2018 trip, change your understanding  
15 of any aspects relating to that  
16 trip?

17 A. No. Because I don't -- I  
18 don't -- I don't know why anybody  
19 would be scouting a hotel for Toukie  
20 Smith. That is not something we  
21 ever would have done, to my  
22 knowledge any of us did before. You  
23 know, they have Internet, they can  
24 show pictures, I don't -- I don't --  
25 I don't personally believe that is

1 M. KAPLAN  
2 the type of thing Bob would want --  
3 would authorize because obviously it  
4 is different for him, but for  
5 Toukie, his ex, staying in Los  
6 Angeles. I am not saying I know for  
7 a fact. I am saying it didn't even  
8 dawn on me that that was the reason  
9 at the time because it seemed odd.

10 Q. Do you recall -- do you  
11 recall that Ms. Smith was undergoing  
12 [REDACTED]  
13 Los Angeles?

14 A. Yes.

15 Q. Okay.

16 And Ms. Robinson was  
17 involved in identifying hotels for  
18 her when she would undergo that  
19 treatment, is that right?

20 A. That is news to me. I  
21 wasn't aware she was even involved  
22 in that because we would book hotels  
23 for Toukie -- Ms. Smith, when she  
24 was doing things with the kids. But  
25 as far as scouting or asking a

1 M. KAPLAN

2 travel agent on advice for a hotel,  
3 that I could see doing. But going  
4 and actually staying at a hotel,  
5 looking at a hotel, that is not  
6 something I was aware of.

7 Q. Okay.

8 Did you not have any  
9 communications with Mr. De Niro  
10 about Ms. Robinson's trip to Los  
11 Angeles, in March of 2018, is that  
12 right?

13 A. No.

14 MR. DROGIN: Objection to  
15 the form.

16 Q. And you didn't speak to  
17 Robin Chambers about the March 2018  
18 trip to Los Angeles, correct?

19 A. I don't remember if I spoke  
20 to her or not.

21 Q. Did you speak to Amelia  
22 Brain about the March 2018 trip to  
23 Los Angeles?

24 A. Yes, at some point she --  
25 she told me about the -- the weekend

1 M. KAPLAN

2 there.

3 Q. Okay.

4 And what -- what did Ms.  
5 Brain tell you about the trip to Los  
6 Angeles in March of 2018?

7 A. I recall her mentioning  
8 that -- that there was multiple Nobu  
9 meals, that they rented a car, but  
10 Amelia did a lot of the driving  
11 anyway, that the books -- she didn't  
12 even end up getting the books  
13 because of some delay until later or  
14 they didn't arrive. And I don't  
15 recall anything about hotel  
16 scouting. That is why it is news to  
17 me. You know? All I know is what I  
18 remember. I don't remember her  
19 mentioning that at all.

20 (Whereupon, Plaintiff's  
21 Exhibit 38, Canal 0049200,  
22 was marked for  
23 identification, as of this  
24 date.)

25 Q. I am going to share a



1 M. KAPLAN  
2 document which is Exhibit 38, and  
3 that is Bates stamped Canal 0049200.  
4 That is the start of the Bates  
5 range.

6 A. Yes, I see it.

7 Q. Do you recognize this as a  
8 text messages that you exchanged  
9 with Amelia Brain?

10 A. Yes.

11 Q. Now Ms. Brain texted you  
12 that she was feeling kind of uneasy  
13 and confused about yesterday's  
14 convo.

15 Do you see where she writes  
16 that?

17 A. Yes.

18 Q. Do you recall the  
19 conversation Ms. Brain was referring  
20 to?

21 A. I believe it was a  
22 conversation that was about when  
23 Chase came to visit her in Los  
24 Angeles after she had resigned.

25 Q. Okay.

1 M. KAPLAN

2 And --

3 A. Which Amelia told me, among  
4 other things, that somehow magically  
5 Chase had seen my e-mail about the  
6 party you had referenced earlier.  
7 But I don't think it was about the  
8 trip if that is what you are asking.

9 Q. What conversation did --  
10 let me restate that question.

11 Did Ms. Brain communicate  
12 to you what had left her feeling  
13 uneasy?

14 A. I don't remember this --  
15 this -- the text message exchange.  
16 I just remember having a long  
17 conversation with her where she told  
18 me the whole sort of story of after  
19 Chase had left, and come to LA, I  
20 think twice. Once staying with her,  
21 and once, I think, staying in the  
22 Four Seasons. I don't know if she  
23 was -- I think she was uneasy --  
24 Amelia was generally uneasy about  
25 being involved in anything like this

1 M. KAPLAN

2 basically. She did not want -- she  
3 did not want to be involved in -- I  
4 mean, now she is involved I guess.  
5 I'm sorry, Amelia. But she didn't  
6 want her name mentioned in this.  
7 She really was nervous about her  
8 career as an actress and everything  
9 so.

10 Q. Did -- as far as you know,  
11 did Ms. Brain communicate with Tom  
12 Harvey about any issues concerning  
13 Ms. Robinson?

14 A. I don't think she ever  
15 spoke to him. If she did, I don't  
16 remember it. But I don't believe  
17 she spoke to Tom Harvey.

18 Q. Any information that was  
19 conveyed to Tom Harvey about Ms.  
20 Robinson's trip to Los Angeles, in  
21 March of 2018, came from you, is  
22 that correct?

23 A. It was -- she had given me  
24 information at the time that is why  
25 it was like -- like -- you know,

1 M. KAPLAN  
2 like sort of a -- a -- we had spoken  
3 earlier about it, about what a crazy  
4 week it was or weekend. But, yeah,  
5 I don't believe we spoke about it  
6 after in 2019, but maybe we did.  
7 Maybe she refreshed my memory, I  
8 don't know. But the primary  
9 conversation I remember having with  
10 her was -- was her telling me about  
11 after the fact that she sort of  
12 wanted to warn me about this e-mail  
13 that Chase had seen somehow. Never  
14 really explained how, but somehow.

15 MS. HARWIN: Can you  
16 repeat the question?

17 (Whereupon, the requested  
18 portion was read back by the  
19 reporter:

20 Q: Any information that  
21 was conveyed to Tom Harvey  
22 about Ms. Robinson's trip to  
23 Los Angeles, in March of  
24 2018, came from you, is that  
25 correct?)

1 M. KAPLAN

2 Q. Can you answer that  
3 question?

4 A. I don't know. I can't  
5 answer that because I don't know if  
6 Amelia spoke to them. I know -- I  
7 don't know. I don't know for sure.

8 Q. As far as you know, when  
9 was the final decision made to bring  
10 a lawsuit against Ms. Robinson?

11 A. I don't know the exact date  
12 of when that was made.

13 Q. How soon before the lawsuit  
14 was filed was it -- was a final  
15 decision made to bring suit against  
16 Ms. Robinson?

17 A. Again, I don't remember. I  
18 don't remember.

19 Q. Can you provide some sense  
20 of the amount of time that elapsed  
21 between when a final decision was  
22 made to bring suit against Ms.  
23 Robinson and when the suit was  
24 actually filed?

25 MR. DROGIN: Objection to

1 M. KAPLAN

2 the form.

3 A. I don't -- as I said, I  
4 don't remember a decision. I don't  
5 know when the decision was made. So  
6 I wasn't -- I wasn't privy to the  
7 like we are making a decision to  
8 file a suit. I was privy to the --  
9 as you mentioned earlier, the  
10 gathering of information. But as  
11 far as filing a suit, timing, all of  
12 that stuff, I had nothing to do with  
13 that.

14 Q. As far as you know, who  
15 came up with the idea to seek  
16 millions of dollars from Ms.  
17 Robinson in the lawsuit filed  
18 against her?

19 A. I have no idea how that  
20 number would come up. To me, the  
21 whole thing -- both sides to this  
22 whole mess are ridiculous in some  
23 different ways, but Chase filing a  
24 lawsuit is insane to me. The  
25 numbers, I don't know how -- I don't

1 M. KAPLAN  
2 know how it was -- I don't know how  
3 it was gathered. You know, like it  
4 is -- it is impossible to put a  
5 number on some of these things. So  
6 to me it was just -- that is -- you  
7 know, if I said it was a random  
8 number at some point because I  
9 literally had no concept of how you  
10 would come up with a number in a  
11 lawsuit like this, so I don't know.

12 Q. No one who was a Canal  
13 employee came up with a tabulation  
14 that Ms. Robinson owed \$3 million or  
15 \$6 million in damages, correct?

16 MR. DROGIN: Objection to  
17 the form.

18 A. No. Canal employees, like  
19 I said earlier, we came up with a  
20 tabulation of how much she spent on  
21 certain things, how many miles were  
22 missing and so forth. But we didn't  
23 add it all together and come up with  
24 some grand number that was not our  
25 -- our business.

1 M. KAPLAN

2 Q. I am dropping into -- well,  
3 actually, before I go there. Let me  
4 just ask the question.

5 How -- how often were you  
6 in communication with Tom Harvey  
7 about Canal's investigation into and  
8 then plans to file a lawsuit against  
9 Ms. Robinson?

10 MR. DROGIN: Objection to  
11 the form.

12 A. I don't -- again, I don't  
13 remember specifics. I know we  
14 talked -- you know, Tom would call  
15 the office during the summer, you  
16 know, fairly regularly to just touch  
17 -- to touch in on our things as  
18 well. It wasn't like this was the  
19 only thing going on in Bob's life.  
20 So I spoke to Tom plenty of times.  
21 But as far as just about this, I  
22 don't know, probably, you know, a  
23 couple of times a week or something  
24 we would -- talked briefly about  
25 different things, but I don't have a



1 M. KAPLAN

2 -- I have no idea.

3 Q. We are going to share in  
4 the chat a document that is being  
5 marked as Plaintiff's Exhibit 39,  
6 which is Bates stamp beginning at  
7 Canal 050122.

8 (Whereupon, Plaintiff's  
9 Exhibit 39, Canal 050122, was  
10 marked for identification, as  
11 of this date.)

12 Q. I would like to direct your  
13 attention to the first message in  
14 that series. Do you see where  
15 Sabrina Weeks-Britain writes, "So  
16 much for notice, but Tom needs Chase  
17 evidence for a court proceeding  
18 Monday morning?"

19 A. Uh-huh.

20 Q. Tell me everything that you  
21 were told about a court proceeding  
22 that was supposed to occur on Monday  
23 morning, August 5, 2019?

24 A. I don't -- I mean, I don't  
25 recall anything about it, you know,

1 M. KAPLAN

2 a court proceeding on August 5th,  
3 2019. I don't -- I don't remember  
4 that.

5 Q. Did you have conversations  
6 with Tom Harvey about what this  
7 proceeding would be?

8 A. No. If we talked about it,  
9 it would have been, you know, in  
10 layman's terms of like -- something  
11 like we are starting whatever. But  
12 no, I don't know what -- I have no  
13 idea what this court proceeding was.  
14 I don't know where -- anything about  
15 it really.

16 MS. HARWIN: I am going  
17 to drop into the chat what is  
18 being marked as Exhibit 40,  
19 which is Bates stamp  
20 beginning at Canal 050127.

21 (Whereupon, Plaintiff's  
22 Exhibit 40, Canal 050127, was  
23 marked for identification, as  
24 of this date.)

25 Q. Turning your attention to

1 M. KAPLAN

2 the message that you sent at 10:33  
3 a.m., Can you read out loud what you  
4 wrote at 10:33?

5 A. At 10:33?

6 Q. Yes.

7 A. "OMG. I spoke to Tom. One  
8 of the accusations I need to share,  
9 but it's hard to stomach the drive  
10 to put what she said in writing."

11 Q. Tell me everything that you  
12 and Mr. Harvey discussed on August  
13 2, 2019?

14 A. Again, I don't know. I  
15 mean, I know that the accusation  
16 that is -- I recall the one we are  
17 talking about, I believe. I see it  
18 here because that is not something  
19 that you forget. But I don't  
20 remember the actual conversation at  
21 all.

22 Q. What is the -- what is the  
23 accusation that -- that Ms. Robinson  
24 made that Mr. Harvey shared with you  
25 on August 2, 2019?

1 M. KAPLAN

2 A. It is this one. It says --  
3 well, I can read my writing here.  
4 "She claims Bob once said to her  
5 something like women can have babies  
6 at any age. Get someone to give you  
7 their sperm to hold onto. I'm sure  
8 Kaplan will do it for free."

9 But that is -- I mean, that  
10 whole thing was like -- I don't -- I  
11 don't believe Bob would have said  
12 that, personally, but, you know,  
13 what do I know?

14 Q. So what -- what did Mr.  
15 Harvey tell you about this  
16 accusation?

17 A. I don't remember other than  
18 if he probably just asked if I knew  
19 -- if I had heard it before. I  
20 don't -- I don't -- you know, or  
21 just told me to meet -- you know,  
22 this was all a little humorous  
23 including that. It is a little  
24 gross, but it is also a little  
25 humorous. He probably just thought

1 M. KAPLAN

2 that I would like to know that my  
3 name was out there.

4 Q. What action was Tom Harvey  
5 taking in the wake of Ms. Robinson  
6 sharing this accusation?

7 MR. DROGIN: Objection to  
8 the form.

9 A. I don't -- I don't  
10 understand what -- he was having --  
11 I don't know what you are asking.

12 Q. After Ms. Robinson shared  
13 this accusation against Mr. De Niro,  
14 what action was Tom Harvey taking at  
15 that time?

16 MR. DROGIN: Objection to  
17 the form.

18 A. I don't know what action he  
19 was taking specifically.

20 Q. In your text message, at  
21 11:38 p.m., you wrote, "Should we  
22 include some sort of calculation of  
23 her Netflix viewing during work  
24 hours so she knows we are aware?"

25 Do you see that?

1 M. KAPLAN

2 A. Yes.

3 Q. But, ultimately, you didn't  
4 have any data showing her Netflix  
5 viewing during working hours,  
6 correct?

7 A. Again, I don't remember how  
8 Netflix viewing -- I would have to  
9 go into their account and look up  
10 how they show it. But if we didn't  
11 submit it, maybe we don't have it.  
12 I don't know. I don't know how the  
13 time stamp --

14 Q. As you sit here today, you  
15 don't recall ever being able to  
16 prepare any kind of compilation  
17 showing Ms. Robinson's viewing  
18 Netflix viewing during work hours,  
19 correct?

20 A. No. I remember seeing like  
21 how many times it was viewed, you  
22 know, in a foreign country. But --  
23 so knowing obviously it was her, but  
24 I don't remember having a time  
25 stamp. I don't think Netflix -- I

1 M. KAPLAN

2 don't know. I don't remember.

3 Q. So, meaning correct?

4 A. Sure. Correct.

5 Q. Who is Stan Rosenfield?

6 A. That is Bob's publicist.

7 Q. Were you in touch with Stan  
8 Rosenfield before the lawsuit was  
9 filed against Ms. Robinson to  
10 discuss media issues?

11 A. Um, I don't know. It is  
12 possible that -- I am assuming -- I  
13 would guess if somebody told Stan it  
14 was happening before because it was  
15 going to be in the papers and --  
16 that is Stan's job to know what  
17 things are going to be in the papers  
18 so --

19 MR. DROGIN: I would ask  
20 the witness not to guess. If  
21 you know, you know. If you  
22 don't, you don't. Please  
23 don't guess.

24 A. I don't know for sure.

25 Q. Did you have communications

1 M. KAPLAN

2 with Stan Rosenfield before Canal  
3 filed its lawsuit against Ms.  
4 Robinson?

5 A. Did I -- I talked to Stan  
6 all the time. Stan is a friend of  
7 mine, so I am sure. Yes, I have  
8 communication with Stan. Did I talk  
9 about the lawsuit? I mean, if you  
10 have text messages showing I did, I  
11 did, but I don't remember talking to  
12 him about it.

13 Q. What was your understanding  
14 of Canal's plan with respect to  
15 media when it came to its lawsuit?

16 A. I wasn't involved in -- in  
17 a media aspect of it. You know, my  
18 understanding was that, you know,  
19 the only thing I could say is that I  
20 understood that the Netflix aspect  
21 of it was kind of a -- it was funny.  
22 So that was my understanding. The  
23 rest of it I have no -- I had no --  
24 I have no -- like I am not in the  
25 media game as far as publicity and



1 M. KAPLAN

2 stuff like that. I don't know what  
3 they were planning.

4 Q. When Canal filed its  
5 lawsuit against Ms. Robinson, it was  
6 your expectation that the Netflix  
7 allegations would get media  
8 attention, is that fair to say?

9 MR. DROGIN: Objection to  
10 the form.

11 A. Yeah. I don't know what I  
12 expected to be honest. The whole  
13 thing is surreal -- still surreal  
14 every time I see it in the news. So  
15 I don't know what I actually  
16 expected if it would be a big story,  
17 small story. I don't remember.

18 Q. Are you aware of anyone who  
19 was affiliated with Canal or who  
20 worked for Mr. De Niro who reached  
21 out to the media concerning Canal's  
22 lawsuit against Ms. Robinson?

23 A. There was discussions among  
24 ex-assistants who wanted to reach  
25 out -- who wanted to reach out to

1 M. KAPLAN

2 the media, who talked to me about  
3 it, about releasing like a comment  
4 letter of support with Bob. But I  
5 am not aware of anything official.  
6 That was unofficial. That was done  
7 -- that was ex-employees. I am not  
8 aware of any -- I don't know what --  
9 what anybody who officially worked  
10 for Canal did. I didn't talk to  
11 anybody in the media.

12 Q. As far as you know, was any  
13 statements from ex-employees that  
14 were released to the media  
15 concerning Ms. Robinson?

16 A. No. We didn't do that. I  
17 don't remember the reasoning. There  
18 was a lot of people who wanted to  
19 sign on it, but we didn't end up  
20 going forward with it.

21 Q. I am going to show you  
22 Exhibit 41, which is Bates stamp  
23 beginning Canal 0047423.

24 (Whereupon, Plaintiff's  
25 Exhibit 41, Canal 0047423,

1 M. KAPLAN

2 was marked for  
3 identification, as of this  
4 date.)

5 Q. Turning your attention to  
6 the text message that was sent at  
7 7:17 p.m., on October 6, 2019, you  
8 wrote, "He wanted to get petty shit  
9 from Amelia earlier to embarrass her  
10 more."

11 Is that a reference to Tom  
12 Harvey?

13 A. Where did I write that?  
14 Oh, I see. I don't know what that  
15 is a reference to.

16 Q. Let me turn your attention  
17 back to what you wrote at 7:16 on  
18 that same day. Do you see on the  
19 prior page where you write, "Right?  
20 See that is the type of stuff Tom  
21 wants to release?"

22 A. 7:16? Wait. Right. Yes,  
23 I see that.

24 Q. Okay.  
25 Explain to me the kinds of

1 M. KAPLAN

2 information that Tom Harvey wanted  
3 to release publicly about Ms.  
4 Robinson?

5 MR. DROGIN: Objection to  
6 the form. It assumes a fact  
7 that is not in evidence.

8 A. Yeah, I don't remember.  
9 This is a conversation with -- with  
10 the people that I was just talking  
11 about that wanted to write like a  
12 giant letter. And I think that my  
13 -- what I was getting at was -- Tom  
14 wasn't saying yes or no to it. But  
15 I think it was -- we thought at the  
16 time that it would be -- that it  
17 would be good for Bob obviously to  
18 list a bunch of crazy stuff that  
19 Chase had done to all these  
20 different people. But at the time  
21 -- but I don't remember -- like I  
22 don't remember specifically saying  
23 like -- or anybody saying like go  
24 get this information and get that.  
25 It was more of what do you know or

1 M. KAPLAN

2 what is the truth.

3 Q. What were you referring to  
4 when you talked about the, quote,  
5 "Type of stuff Tom wants to  
6 release?"

7 A. I am referring to -- I  
8 mean, I am reading my e-mail. I  
9 don't remember the conversation. I  
10 see that Nellie had said -- I think  
11 I am replying to -- this is all --  
12 the context of this is an article on  
13 page six that lists her as living in  
14 Park Avenue, which Nellie replies,  
15 "It is petty, but it kills me to..."  
16 (inaudible). So I -- now I am  
17 completely speaking not for Tom -- I  
18 say Tom, but it is not like Tom is  
19 in on the conversation. That is  
20 just me -- that is me, you know,  
21 taking liberties.

22 Q. In this communication, you  
23 talk about, quote, "The type of  
24 stuff Tom wants to release." And  
25 also on the following page, Tom

1 M. KAPLAN  
2 wanting to get, quote, "petty shit,"  
3 to embarrass Ms. Robinson.

4 What information was Tom  
5 Harvey looking to gather to release  
6 about Ms. Robinson?

7 MR. DROGIN: Objection to  
8 the form. Can you just tell  
9 us where you are reading  
10 from? Are you looking at the  
11 7:14 quote, where he says,  
12 "Tom is providing no real  
13 direction on this," or  
14 something else?

15 MS. HARWIN: We are  
16 looking at the same 7:16/7:17  
17 quotes that we have gone  
18 over.

19 MR. DROGIN: So you don't  
20 want to go back into the  
21 context?

22 MS. HARWIN: We're --  
23 counsel --

24 A. Yeah, the -- essentially,  
25 this is -- everyone was going to

1 M. KAPLAN  
2 write a letter and Tom was  
3 basically, in my recollection,  
4 looking at this text message, he was  
5 saying, I am not endorsing it, but  
6 if you want to release petty shit on  
7 your own, have fun with it. That  
8 was not -- that was -- he wasn't  
9 telling me to release petty shit.  
10 So there is nothing he was  
11 specifically referring to because he  
12 wasn't telling me to do that.

13 MR. DROGIN: This is the  
14 problem when you don't put  
15 something in context and when  
16 you do --

17 MS. HARWIN: Counsel --  
18 Counsel, this is not an  
19 opportunity for you to  
20 provide a speech.

21 MR. DROGIN: You are  
22 right. I will question the  
23 witness later. That's fine.

24 Q. As far as you know, what  
25 was Mr. De Niro's reaction to the

1 M. KAPLAN

2 media coverage of the lawsuit that  
3 Canal brought against Ms. Robinson?

4 A. I have no recollection or  
5 knowledge of what his reaction was.

6 Q. You previously testified  
7 about speaking with the Manhattan  
8 District Attorney's Office about Ms.  
9 Robinson.

10 Do you recall that?

11 A. Yes.

12 Q. Okay.

13 When you communicated with  
14 the Manhattan District Attorney's  
15 Office, was anyone else present with  
16 you?

17 A. No.

18 Q. Who else from Canal  
19 communicated with the Manhattan  
20 District Attorney's Office about Ms.  
21 Robinson?

22 A. Everybody in the office  
23 communicated at some point with her,  
24 but separately.

25 Q. Okay.



1 M. KAPLAN

2 The Manhattan District

3 Attorney's Office conducted separate  
4 interviews with you, with Ms.  
5 Sabrina Weeks-Britain, and with Mr.  
6 Gillian Spear, is that correct?

7 A. Yes. Yes. That is  
8 correct.

9 Q. Did the Manhattan District  
10 Attorney's Office conduct separate  
11 interviews with Mr. De Niro?

12 A. I don't -- I don't remember  
13 if they talked to him. I don't -- I  
14 don't -- I don't remember.

15 Q. What did you do to prepare  
16 to meet with the Manhattan District  
17 Attorney's Office?

18 A. I don't think I did  
19 anything other than just, you know,  
20 this is all pretty fresh at the  
21 time. Fresher than it is now.

22 Q. What was your understanding  
23 as to why Mr. De Niro was in touch  
24 with the Manhattan District  
25 Attorney's Office about Ms.

1 M. KAPLAN

2 Robinson?

3 A. My impression was they were  
4 exploring avenues. You know, I  
5 don't think -- he got very -- once  
6 he saw how much she had spent on  
7 things and all these things, he got  
8 mad. He got angrier. After, as  
9 time went on, and I think they  
10 wanted to, you know, see if there  
11 was -- if it was anything officially  
12 -- you know, that they could press  
13 charges on. That was the impression  
14 on otherwise why were they talking  
15 to the District Attorney?

16 Q. Who gave you that  
17 impression that you just described?

18 A. If you are talking to the  
19 District Attorney's Office about a  
20 person, you get the impression that  
21 they had to go to them. There  
22 wasn't like the District Attorney's  
23 Office was following Chase around.  
24 So obviously they went to them with  
25 this, and obviously the District

1 M. KAPLAN

2 Attorney's Office thought there was  
3 something worth looking into, and so  
4 we cooperated -- I cooperated and  
5 everyone cooperated to answer their  
6 questions.

7 Q. But you didn't speak to Mr.  
8 De Niro or Tom Harvey about what the  
9 goal was in reaching out to the  
10 Manhattan District Attorney's Office  
11 about Ms. Robinson, is that correct?

12 A. The goal? I don't remember  
13 having a conversation with anybody  
14 about the goal.

15 Q. Okay.  
16 What questions did the  
17 attorneys with the Manhattan  
18 District Attorney's Office ask you  
19 about Canal's operating procedures?

20 A. I thought we talked about  
21 this, but they asked about -- they  
22 asked like for us to sort of walk us  
23 through how things worked, walked  
24 them through what Chase had access  
25 to, any information we had that they

1 M. KAPLAN  
2 could, you know -- that would help  
3 them dig into certain financial  
4 things. But I don't remember  
5 specifics of -- I just remember  
6 generalizations. It was more of a  
7 general like explaining this highly  
8 unusual office situation to the  
9 district attorneys.

10 Q. Are you aware of whether  
11 Canal's accountants were interviewed  
12 by the Manhattan District Attorney's  
13 Office as part of its investigation?

14 A. I don't remember. I don't  
15 know.

16 Q. Did you share any materials  
17 with the Manhattan District  
18 Attorney's Office when you met with  
19 them?

20 A. I don't remember what I  
21 shared with them, or if I did share  
22 anything with them.

23 Q. Did there come a time when  
24 you learned that the Manhattan  
25 District Attorney's Office would not

1 M. KAPLAN

2 be bringing charges against Ms.

3 Robinson?

4 A. Yes, I don't remember when  
5 that was. But I do -- I remember at  
6 some point being told that they  
7 weren't going forward with it.

8 Q. And what were you told  
9 about why the Manhattan District  
10 Attorney's Office would not be  
11 bringing criminal charges against  
12 Ms. Robinson?

13 A. I don't remember what I was  
14 told.

15 Q. Did anyone explain to you  
16 the reasons why the Manhattan  
17 District Attorney's Office would not  
18 bring criminal charges against Ms.  
19 Robinson?

20 A. If they did, I forgot it.  
21 No, I don't remember that.

22 Q. Do you remember ever being  
23 told how the Manhattan District  
24 Attorney's Office viewed the  
25 allegations against Ms. Robinson?

1 M. KAPLAN

2 A. I don't think I was told  
3 that. I don't recall that.

4 Q. At some point after Ms.  
5 Robinson's employment at Canal  
6 ended, you were the subject of  
7 investigation as well, correct?

8 A. You could say, yes. An  
9 investigation, I don't know how you  
10 phrase it, but yes -- I was  
11 questioned.

12 Q. Who questioned you?

13 A. Tiffany Chen mainly.

14 Q. And what was the nature of  
15 the subjects on which you were  
16 questioned by Tiffany Chen?

17 A. I think I said this  
18 earlier, but we were -- I talked  
19 about some specifics with petty  
20 cash, with tipping to a guy named  
21 Danny who was a maintenance guy.  
22 She questioned -- she thought I was  
23 making up numbers. I was questioned  
24 about her -- her his father's  
25 apartment, a leak. I was questioned

1 M. KAPLAN  
2 about a lamp that I had forgot to  
3 buy, something to that nature or  
4 effect. And yeah, it was not a very  
5 -- it wasn't a -- I wasn't -- I  
6 wasn't presented with rationale  
7 evidence-based examination. I was  
8 presented with a bunch of wild  
9 accusations that I tried to shoot  
10 down the best that I could.

11 Q. Ms. Chen accused you of  
12 stealing, is that right?

13 A. She accused me of stealing  
14 or lying about tips basically to  
15 people that -- cleaning people, and  
16 such, and movers. People of that  
17 nature.

18 Q. Were you accused of  
19 misappropriating petty cash funds?

20 A. Um, I don't know if it was  
21 a specific as to say  
22 misappropriating. It was more of  
23 she questioned tips that I had ran  
24 down and gave to people and she  
25 didn't believe I really gave them to

1 M. KAPLAN

2 people.

3 Q. Did you ever lose track of  
4 petty cash?

5 MR. DROGIN: Objection to  
6 the form.

7 A. Did I lose track of petty  
8 cash? Look, there is a lot of money  
9 involved and mistakes get made  
10 sometimes. But we did a pretty good  
11 job of keeping track of everything.  
12 I didn't -- I didn't -- you know,  
13 the accusations that she was  
14 accusing me of, some of them  
15 occurred during the timeframe when I  
16 was out of the office when Chase had  
17 control of the petty cash, when I  
18 was having a [REDACTED]. It was  
19 very -- it was very haphazard  
20 accusations. So it wasn't -- it  
21 wasn't -- there wasn't any truth to  
22 it.

23 Q. Did you deny the  
24 allegations against you?

25 A. Yes.



1 M. KAPLAN

2 Q. Did Canal ever bring suit  
3 against you?

4 A. No.

5 Q. Did you ever accuse Canal  
6 of discrimination or retaliation?

7 A. Did I accuse -- no. I  
8 didn't accuse Canal of  
9 discrimination.

10 Q. Did you ever accuse Canal  
11 of violations of labor laws?

12 A. I did not.

13 Q. Did you communicate with  
14 Mr. De Niro directly about any of  
15 Ms. Chen's accusations against you?

16 A. Yeah. I told him they  
17 were, for lack of a better word,  
18 bullshit. So -- but yeah. But  
19 yeah. I knew at the end of the day  
20 that she -- she -- it didn't -- it  
21 wasn't the same as the Chase  
22 situation in the sense that she  
23 didn't -- that was a whole sit down  
24 meeting of clearing of the air which  
25 is not something that happened with

1 M. KAPLAN

2 Chase. So we cleared the air, and  
3 we moved on from it.

4 Q. Mr. De Niro conveyed a  
5 meeting where you had the  
6 opportunity to clear the air with  
7 him and Ms. Chen, is that right?

8 A. Yes.

9 Q. At some point Ms. Chen was  
10 concerned that you were lumping  
11 petty cash charges and moving  
12 numbers around to make them look  
13 better, is that correct?

14 A. That sounds like something  
15 she said, yes.

16 Q. And did you ever lump  
17 charges together or move numbers  
18 around to make them look better?

19 A. No.

20 Q. You never lumped together  
21 numbers to make them book letter?

22 A. She was referring -- she  
23 was referring to a specific  
24 situation where we prepared -- I  
25 prepared a different petty cash form

1 M. KAPLAN

2 for her to look at it. So it wasn't  
3 the same ones that we were doing in  
4 the office. It was more to show her  
5 what the office had been spending  
6 money on. So in a way it was lumped  
7 together, but not in the sense that  
8 it was anything undue about it. It  
9 was more of just the way I did it  
10 thinking -- I thought it was a  
11 making it easier, but she took it  
12 the wrong way. But no, the petty  
13 cash was -- you know, sometimes, as  
14 I said earlier, we would be missing  
15 a receipt, and I would try to figure  
16 it out. And sometimes we would have  
17 to round up on tips just to make the  
18 meals numbers to -- for the  
19 receipts, like just change, that  
20 type of thing, but not anything  
21 else.

22 Q. At some point you lost  
23 track of six or \$7,000 of petty  
24 cash, correct?

25 A. No. I don't know what you

1 M. KAPLAN

2 are referring to.

3 Q. As our next exhibit, I am  
4 going to show you what is stamped  
5 beginning at Robinson 00008022,  
6 which is being marked as Exhibit 42.

7 (Whereupon, Plaintiff's  
8 Exhibit 42, Robinson  
9 00008022, was marked for  
10 identification, as of this  
11 date.)

12 A. This is from 2013. I do  
13 not remember this.

14 MS. HARWIN: So let me  
15 have the court reporter read  
16 back the question then you  
17 can answer it.

18 (Whereupon, the requested  
19 portion was read back by the  
20 reporter:

21 Q: At some point you  
22 lost track of six or \$7,000  
23 of petty cash, correct?)

24 Q. I can restate that question  
25 for you.

1 M. KAPLAN

2 Was there a time when you  
3 misplaced six or \$7,000 of petty  
4 cash?

5 MR. DROGIN: Objection to  
6 the form.

7 A. We -- no. It was not  
8 misplaced. It was in the safe, and  
9 we -- when we were figuring out our  
10 totals, neither Chase nor I, at this  
11 point, I think we both totally  
12 forgot about that. But yes, that is  
13 correct that it was a six or \$7,000  
14 petty cash we were off, and we  
15 didn't realize the money was in the  
16 safe. That is correct.

17 Q. Robin Chambers was also  
18 wrongfully accused by Tiffany Chen  
19 from your perspective?

20 A. Yes. In -- in a less --  
21 she was at the same meeting I was  
22 at. We were both being accused at  
23 the same time of different things.

24 Q. And both you and Ms.  
25 Chambers were given the opportunity

1 M. KAPLAN

2 to clear the air with Mr. De Niro  
3 and Ms. Chen, correct?

4 A. Yeah. I mean -- Bob, you  
5 know, Ms. Chen had been on him about  
6 a specific thing, and it just -- we  
7 had a whole like back and forth like  
8 screaming match the three of us.  
9 And then he said, "Let's just all  
10 talk. Let's go to Berdon. We will  
11 talk. We will clear the air."

12 But then the meeting was  
13 mostly about me. It was a little  
14 bit about her as well.

15 Q. And what was the nature of  
16 the accusations against Robin  
17 Chambers?

18 A. I don't remember what -- it  
19 was a little bit -- I remember  
20 myself. I don't remember what she  
21 was accused of to be honest. That  
22 was a few years ago now.

23 Q. Why did Gillian Spear's  
24 employment at Canal end?

25 A. She had been there for a

1 M. KAPLAN

2 few years, and she moved on -- she  
3 found another job working for Chad  
4 Stewart.

5 Q. I'm showing you what has  
6 been marked as Exhibit 42, which is  
7 Bates stamp Canal 0049169 through  
8 171.

9 (Whereupon, Plaintiff's  
10 Exhibit 43, Canal 0049169  
11 through 171, was marked for  
12 identification, as of this  
13 date.)

14 Q. Do you see, at 3:43 a.m.,  
15 where you write "I know. And I  
16 don't -- I am not Chase after all.  
17 She would get so depressed when he  
18 was mean to her."

19 Do you see that?

20 A. I see that, yes.

21 Q. Okay.

22 When you wrote, "She would  
23 get so depressed when he was mean to  
24 her," were you referring to Ms.  
25 Robinson?

1 M. KAPLAN

2 A. Yes.

3 Q. And when you referred to  
4 he, you were referring to Mr. De  
5 Niro?

6 A. Yes.

7 Q. Describe for me how Mr. De  
8 Niro would behave when he was being  
9 mean to Ms. Robinson?

10 MR. DROGIN: Objection to  
11 the form.

12 A. I don't know what -- what  
13 do you mean when he was being mean  
14 to Ms. Robinson? What do you mean?

15 Q. You wrote, "She would get  
16 so depressed when he was mean to  
17 her."

18 My question is, describe  
19 for me Mr. De Niro's behavior when  
20 he was being mean to Ms. Robinson?

21 A. So in this situation I am  
22 -- this is -- I know because the  
23 time and everything, I was in Los  
24 Angeles, and he basically -- he was  
25 basically -- when Bob was mean to



1 M. KAPLAN

2 you, he basically wasn't talking to  
3 you. So when he wasn't talking to  
4 her, when he was ignoring her  
5 e-mails and calls, she would get  
6 like -- she once asked me to check  
7 his junk mailbox folder to see if  
8 they were going to junk. She would  
9 get like physically -- this was --  
10 it was very -- her job was her life  
11 so she was very, you know -- I was  
12 -- I actually -- I am  
13 overcompensating. I was a little  
14 depressed, too. It was a horrible  
15 week in my life, but I wasn't -- I  
16 had other things going on. I don't  
17 know how he treated her. To go back  
18 to your question, I don't know what  
19 that even means. He yells at  
20 people. He yelled at me. He yelled  
21 -- he yelled at everyone who has  
22 ever worked for him at some point  
23 and --

24 Q. What is name of the person  
25 who had the phone number that you

1 M. KAPLAN

2 were texting with 917-414-1916?

3 A. I think this is Drena,

4 but --

5 Q. Drena De Niro?

6 A. I would have to check my

7 contacts to confirm that, but --

8 Q. When --

9 A. Because she was in Los

10 Angeles with me when this whole

11 thing was happening.

12 Q. When you say, "When this

13 whole thing was happening," what are

14 you referring to?

15 A. This is what -- this was

16 the -- the start of what led to the

17 meeting that we had. There was a

18 leak that -- that she -- Tiffany

19 basically invented a leak in his

20 dad's apartment and blamed it on me

21 because I was in charge of the

22 apartment so it was like her reason

23 to -- for Bob be mad at me.

24 Q. So Drena wrote, "Well, that

25 is what I feel like. It seems like

1 M. KAPLAN

2 she is abusive to him and everybody,  
3 and then he gets abusive."

4 Was that a discussion about  
5 Tiffany Chen being abusive to Mr. De  
6 Niro and everybody, and then Mr. De  
7 Niro gets abusive?

8 A. Yes, I think that is what  
9 she was saying.

10 Q. When she wrote, "Just like  
11 G," was that a reference to Mr. De  
12 Niro's former wife?

13 A. Yes.

14 Q. Describe for me what Mr. De  
15 Niro was like when he was being  
16 abusive towards Ms. Robinson?

17 MR. DROGIN: Objection to  
18 the form. He already  
19 answered that. She would get  
20 depressed when he didn't  
21 contact her. Do you want to  
22 hear it again?

23 MS. HARWIN: Counsel,  
24 please let the witness answer  
25 the question.

1 M. KAPLAN

2 A. I don't know like -- I  
3 don't know. I don't have an example  
4 of him being abusive to her. So I  
5 don't know. All I know is when he  
6 would ignore you. But I didn't --  
7 she would tell me secondhand when he  
8 would yell at her, but I never saw  
9 him yell at her.

10 Q. And Ms. Robinson would come  
11 to you upset when Mr. De Niro would  
12 yell at her, is that right?

13 MR. DROGIN: Objection to  
14 the form.

15 A. She would call and vent  
16 sometimes, yes.

17 Q. I am going to show you  
18 Exhibit 44, which is Canal 0047953  
19 through 34. This is 44 and I think  
20 what I labeled as the last exhibit  
21 should be 43. I think I may have  
22 mistakenly said 42.

23 (Whereupon, Plaintiff's  
24 Exhibit 44, Canal 0047953  
25 through 54, was marked for

1 M. KAPLAN

2 identification, as of this  
3 date.)

4 MR. DROGIN: 41969 is 43  
5 and 47953 is 44. Got it.

6 MS. HARWIN: Thank you.  
7 It is easier with stickers.

8 Q. Do you have that document?

9 A. Yes.

10 Q. Do you see where you wrote,  
11 "Bob was being super dismissive of  
12 Chase' ideas tonight. It was  
13 great?"

14 A. I see that, yeah. I don't  
15 know what that is a reference to.

16 Q. Do you recall which of Ms.  
17 Robinson's ideas Mr. De Niro was  
18 being dismissive of?

19 A. I do not recall what this  
20 is about.

21 Q. Was there anything unusual  
22 about this instance where Mr. De  
23 Niro was dismissive of Chase's  
24 ideas?

25 MR. DROGIN: Objection to

1 M. KAPLAN

2 the form.

3 A. I don't recall what this is  
4 about so I don't know if it was  
5 unusual.

6 Q. When you joined Canal, at  
7 that time did Mr. De Niro employ any  
8 female executive assistants?

9 A. When I joined Canal? Robin  
10 Chambers was working for him still.

11 Q. When you joined Canal, did  
12 Mr. De Niro employ any female  
13 executive assistants?

14 A. Yes.

15 Q. And at that time that you  
16 joined Canal, Mr. De Niro would  
17 refer to his female executive  
18 assistants as "The Girls," correct?

19 A. No. That is not correct.

20 Q. Did you ever hear Mr. De  
21 Niro refer to his female executive  
22 assistants as "The Girls?"

23 A. I heard Chase refer to his  
24 assistants at "The Girls" many,  
25 many, many times. So many times

1 M. KAPLAN

2 that --

3 Q. Mr. Kaplan, that is not my  
4 question. So I just want you to  
5 answer the question that has been  
6 asked.

7 MS. HARWIN: Madam Court  
8 Reporter, can you please read  
9 back the question?

10 (Whereupon, the requested  
11 portion was read back by the  
12 reporter:

13 Q: Did you ever hear Mr.  
14 De Niro refer to his female  
15 executive assistants as "The  
16 Girls?")

17 A. I heard Mr. De Niro  
18 rephrase to them as "The Girls" but  
19 so did Chase say that many, many  
20 times.

21 Q. That is not my question.  
22 So, Mr. Kaplan, I just want you to  
23 focus on the question that --

24 (Simultaneous speaking).

25 A. They would complain -- they

1 M. KAPLAN

2 would complain to me about it and  
3 they even took it up with her. Like  
4 they took up an e-mail about please  
5 stop referring to us as "The Girls."

6 Q. Mr. Kaplan, I just want you  
7 to answer the question that is  
8 asked. Okay?

9 A. Okay. Just getting that on  
10 the record. It is just a gotcha  
11 thing. That is what it is. I don't  
12 like to be put in that position.

13 Q. Mr. Kaplan, the question  
14 is, are you aware of Mr. De Niro  
15 ever referring to his female  
16 executive assistants as "The Girls?"

17 MR. DROGIN: You have his  
18 answer. Why don't we read it  
19 back?

20 MS. HARWIN: As the court  
21 reporter said, we didn't get  
22 his answer because there was  
23 cross talk so --

24 MR. DROGIN: There wasn't  
25 cross talk. You are



1 M. KAPLAN

2 interrupting him. You

3 interrupted him.

4 MS. HARWIN: Counselor,

5 we just want to have a clear

6 record.

7 A. Yes.

8 (Whereupon, a discussion

9 was held off the record.)

10 Q. And you would use the term

11 "The Girls" to refer to Mr. De

12 Niro's executive assistants,

13 correct?

14 A. I don't know if I ever used

15 that term. If I did, I probably

16 tried to stop doing it when they

17 said not to use it.

18 Q. Okay.

19 A. And Chase used it, and I

20 never -- he never referred to Chase

21 as "The Girls."

22 Q. Are you aware of Mr. De

23 Niro ever using the word bitch to

24 describe Ms. Robinson?

25 A. Um, not to me, no.

1 M. KAPLAN

2 Q. Are you aware of Mr. De  
3 Niro using the term bitch to  
4 describe Ms. Robinson to anyone  
5 else?

6 A. I am not aware of it is  
7 what I am saying, no.

8 Q. Are you aware of Mr. De  
9 Niro ever using the word brat to  
10 describe Ms. Robinson?

11 A. Well, I am aware because I  
12 have heard the message that has been  
13 in the media, so -- the voicemail,  
14 if that is what you are getting at.

15 Q. Are you aware of any other  
16 instances in which Mr. De Niro  
17 referred to Ms. Robinson as a brat?

18 A. I am not.

19 Q. I am going to show you what  
20 we will mark as Exhibit 45, which is  
21 Bates stamped beginning at Canal  
22 0047668. Let me know when you have  
23 that.

24 (Whereupon, Plaintiff's  
25 Exhibit 45, Canal 0047668,

1 M. KAPLAN

2 was marked for  
3 identification, as of this  
4 date.)

5 A. Uh-huh.

6 Q. Turning your attention to  
7 the messages that were sent on  
8 January 6, 2019, at 7:09 p.m. and  
9 7:13 p.m., do you see the message  
10 from Ms. Robinson that says, "I have  
11 several angry voice mails on my  
12 phone when I was downstairs with the  
13 PT guy," do you see that?

14 A. Yes.

15 Q. And do you see you  
16 following up and writing, "I talked  
17 to Bob. He is drunk?"

18 A. Yes. As was I, there was  
19 an Eagles game going on, but --

20 Q. How often would Mr. De Niro  
21 become drunk?

22 MR. DROGIN: Objection to  
23 the form.

24 A. I don't know how often he  
25 was drunk. I am not an expert.

1 M. KAPLAN

2 Q. How common an occurrence  
3 was it for you to hear from Mr. De  
4 Niro when he was drunk?

5 A. How common? I mean, if --  
6 I don't know how often he was drunk,  
7 so I don't know. I mean, there was  
8 -- there was occasions where I would

9 [REDACTED]  
10 sure. But I can think of, you know,  
11 a handful of times when he got -- I  
12 got an angry phone call or e-mail  
13 from him that I sort of chocked up  
14 to him over reacting to something

15 [REDACTED]  
16 Q. And describe what Mr. De  
17 Niro -- I'm sorry. Let me restate  
18 that.

19 Describe what Mr. De Niro  
20 would be like when he was drunk?

21 MR. DROGIN: Objection to  
22 the form.

23 A. He was not -- I don't know  
24 what that -- what that would mean,  
25 would he would be like? Because he

1 M. KAPLAN

2 would often be very -- when he would  
3 drink -- I saw him drink socially,  
4 and he would be very -- you know,  
5 like anybody else he would be -- he  
6 would be fine. So I don't -- I  
7 don't -- sometimes he would get  
8 angry, but those very rare. I don't  
9 know -- I can't -- there is not that  
10 many examples that I have to think  
11 of.

12 Q. Were there instances that  
13 you recall when Mr. De Niro would  
14 become aggressive or angry when he  
15 was drunk?

16 MR. DROGIN: Objection to  
17 the form.

18 A. Angry, not aggressive.  
19 Just like letting off steam kind of  
20 and then he hangs up.

21 Q. Do you recall instances  
22 when Mr. De Niro would yell when he  
23 was drunk?

24 A. I recall a couple of  
25 instances, yes, over the span of

1 M. KAPLAN

2 over 15, 16 years.

3 Q. Since you have known Mr. De

4 [REDACTED]

5 [REDACTED]

6 MR. DROGIN: Objection to

7 the form.

8 [REDACTED]

9 [REDACTED]

10 Q. And when was the one time  
11 that you were aware of when Mr. De

12 [REDACTED]

13 A. In the summer of 2018.

14 [REDACTED]

15 [REDACTED]

16 [REDACTED]

17 A. I don't have any -- I don't  
18 have -- anybody -- like anybody else  
19 when they drink. I don't understand  
20 what that -- as far as I observed,  
21 nothing that -- I am not an expert.

22 Q. Were there times when you  
23 had to remind Mr. De Niro of  
24 conversations that you had with him  
25 when he was drunk?

1 M. KAPLAN

2 MR. DROGIN: Objection to  
3 the form. It is a -- it is  
4 an inarticulate question the  
5 way you phrased it.

6 A. I had times that I had to  
7 -- I had times that I had to remind  
8 him of occasions, but not  
9 necessarily whether he was drunk or  
10 not. That wasn't really relevant.

11 Q. What kind of things did Mr.  
12 De Niro forget?

13 MR. DROGIN: Objection to  
14 the form.

15 A. I mean, he -- sometimes he  
16 would forget about -- I don't know  
17 anything else. He had a lot going  
18 on in his life. Sometimes he would  
19 forget something he wanted to go  
20 over or something he told him, or --  
21 but not -- you know, being drunk or  
22 not, I always thought he had a very  
23 -- he retains things. Like so he  
24 would remember a lot of things that  
25 happened. If we had events at

1 M. KAPLAN

2 night, he would have a few drinks,  
3 but he would still remember a lot of  
4 things. Things -- you know, it  
5 wasn't -- he would forget -- to put  
6 it another way, I don't think it was  
7 related to alcohol or not alcohol.

8 Q. I am going to show you what  
9 we are marking as Exhibit 46, which  
10 begins Bates stamped Canal 0047716.

11 (Whereupon, Plaintiff's  
12 Exhibit 46, Canal 0047716,  
13 was marked for  
14 identification, as of this  
15 date.)

16 Q. I would like to turn your  
17 attention to the last three e-mails  
18 in that exchange.

19 A. Hold on. It is still  
20 loading.

21 Q. Take your time.

22 A. Yeah.

23 Q. Do you see in the text  
24 messages beginning at 10:52 a.m.  
25 that read, "It is all so sad what is



1 M. KAPLAN

2 Bob's mind."

3 Do you see those text  
4 messages?

5 MR. BENNETT: Michael,  
6 you can review the entire  
7 text message if you would  
8 like.

9 A. I see this. And yeah, I am  
10 just referring to him forgetting  
11 that he had sort of, you know, was  
12 going to promote Nellie and years  
13 ago had this idea I believe, but --  
14 I am also -- I take -- you can't  
15 hold me to everything that I write  
16 in the text messages, because I am  
17 just trying to be funny. So it is a  
18 long day.

19 Q. When you wrote, "It is all  
20 so sad," and then clarified that you  
21 were referring to Bob's mind, what  
22 -- what was it that was so sad about  
23 Mr. De Niro's mind?

24 A. I am referring to the idea  
25 that it was very -- from the night

1 M. KAPLAN

2 before, that Bob had apparently had  
3 said to me -- that Bob had said to  
4 Nellie that he didn't -- he saw her  
5 and he told her, "Oh, I didn't  
6 realize that you left because of  
7 Chase." And apologized to her,  
8 which was -- it is a reference to  
9 the fact that Nellie was very clear  
10 and to Bob, like if you keep Chase  
11 here, I am leaving. And Bob chose  
12 to keep Chase there. And he, I  
13 guess, had forgotten about that. It  
14 was only a couple of years earlier.  
15 That is what I am referring to.

16 Q. So what specifically was so  
17 sad about Mr. De Niro's mind; was it  
18 him forgetting about a prior  
19 conversation?

20 A. I am referring to the -- we  
21 had had -- he had had, you know, a  
22 month of back and forth with Nellie  
23 about her being promoted, and then  
24 her leaving, and I guess, you know,  
25 I am making kind of a joke about it.

1 M. KAPLAN

2 But two years later basically -- two  
3 or three years later, I don't know  
4 exactly, but he had basically forgot  
5 that it happened apparently.

6 Q. Do you believe that Tiffany  
7 Chen is a credible person?

8 MR. DROGIN: Objection to  
9 the form.

10 A. Look, I am the wrong person  
11 to -- I mean, personally, I -- I  
12 don't -- I am not a big fan of  
13 Tiffany Chen. That is my  
14 personal -- it doesn't mean she is  
15 always wrong about everything, but  
16 --

17 Q. As a general matter, do you  
18 find Ms. Chen to not be a credible  
19 person?

20 MR. DROGIN: Objection to  
21 the form.

22 A. As a general matter, I -- I  
23 -- I -- I don't know what the -- the  
24 credible, but I don't find her -- I  
25 find her to be someone who -- who

1 M. KAPLAN

2 mis-remembers [sic] things. So I  
3 guess I would call her not credible.

4 Q. And you understood Ms. Chen  
5 to raise concerns that were  
6 unfounded, correct?

7 MR. DROGIN: Objection to  
8 the form. You can answer.

9 A. When I talked to Tiffany  
10 Chen in March, April, January of  
11 2019, I didn't see her that way at  
12 all. She is -- you know, it was as  
13 time went on, and I -- I -- she went  
14 after me and several other people  
15 and sort of took things out of  
16 context, I started to think --  
17 realize that she -- you know, it was  
18 not someone that I considered  
19 credible anymore.

20 MS. HARWIN: I think this  
21 is a good time to pause and  
22 we can take a five-minute  
23 break. Counsel, I anticipate  
24 being done shortly and so if  
25 you are anticipating any

1 M. KAPLAN

2 redirect, you can expect to  
3 begin after the break.

4 MR. DROGIN: Can we get a  
5 count on the time, please?

6 THE VIDEOGRAPHER: The  
7 time is now 5:27 p.m., and we  
8 are going off the record.

9 (Whereupon, a recess was  
10 taken at this time.)

11 THE VIDEOGRAPHER: The  
12 time is now 5:39 p.m. We are  
13 back on the record.

14 Q. So you previously testified  
15 about not being represented by  
16 counsel at this deposition.

17 When you spoke yesterday to  
18 Mr. De Niro and Mr. Drogin, were you  
19 provided with tips on how to answer  
20 questions at a deposition?

21 A. No. It was just a general  
22 -- like they explained to me how it  
23 would work, what a deposition even  
24 is. You know, just told me to tell  
25 the truth and answer the questions.

1 M. KAPLAN

2 Q. Were you given any guidance  
3 on how to answer questions?

4 A. No. Just -- the only  
5 guidance would be to tell the truth,  
6 and if you don't know something, say  
7 that you don't know. That is it.  
8 It was not a -- you know, that was  
9 it.

10 Q. Okay.

11 And did you have any  
12 communications with Mr. Drogin, Mr.  
13 Bennett or Mr. Harvey during today's  
14 deposition?

15 A. I have not.

16 Q. Okay.

17 MS. HARWIN: So at this  
18 particular time, you know,  
19 there are still outstanding  
20 documents that bear upon Mr.  
21 Kaplan's testimony that we  
22 have not received, and so we  
23 will note that for the  
24 record, and that we reserve  
25 the right to recall Mr.

1 M. KAPLAN

2 Kaplan. But that concludes  
3 our questioning for today  
4 pending the redirect from Mr.  
5 Drogin. So Mr. Kaplan, I am  
6 going to turn you over to Mr.  
7 Drogin who I understand has  
8 some questions.

9 And Mr. Drogin, can you  
10 estimate approximately how  
11 long you anticipate going?

12 MR. DROGIN: I don't  
13 really know. It depends how  
14 the witness answers my  
15 questions.

16 MS. HARWIN: Can you give  
17 an order of magnitude?

18 MR. DROGIN: Less than an  
19 hour for sure.

20 EXAMINATION

21 BY MR. DROGIN:

22 Q. Mr. Kaplan, I am going to  
23 jump around a bit, so I will try to  
24 orient you as much as I can. Some  
25 of these things may come at you from

1 M. KAPLAN

2 all angles because I am hopping  
3 around a bit.

4 Was Chase Robinson ever  
5 referred to as Debra?

6 A. Yeah. She was a referred  
7 to as Debra by the film crew, people  
8 -- everyone on Bob's film -- the  
9 same crew, the hair/makeup, the  
10 trailer, all the people -- they just  
11 -- it was like a code word that they  
12 used to talk about her.

13 Q. Why did they need a code  
14 word to talk about her?

15 MS. HARWIN: Objection to  
16 the form. And objection on  
17 the grounds that this falls  
18 outside the scope of direct  
19 examination.

20 A. Should I answer?

21 Q. Yes.

22 A. Well, I think -- they were  
23 -- I think they were -- they  
24 explained to -- to -- they would  
25 talk about her a lot like onset, and



1 M. KAPLAN

2 I think it annoyed Bob to -- he just  
3 got sick of it. So they would say  
4 Debra. So they would talk about  
5 Debra, as like a -- so Bob wouldn't  
6 even know they were talking about  
7 her.

8 Q. And you -- you testified  
9 earlier that Mr. De Niro was the  
10 boss. Was -- did you supervise  
11 Chase Robinson?

12 A. No.

13 Q. Did you have a supervisor?

14 A. So --

15 MS. HARWIN: Objection to  
16 the form.

17 A. I mean, the way I would  
18 explain it as that my boss was  
19 Robert De Niro. When it came to all  
20 matters of the office though, you  
21 know, we talked a lot about petty  
22 cash earlier, and I had some -- I  
23 would say that I collected it all,  
24 but on all matters of policy and how  
25 we did things, and pretty much

1 M. KAPLAN

2 everything we did, Chase was in  
3 charge. Vacations, and all of that  
4 stuff.

5 Q. So would she give you  
6 instructions?

7 A. On certain things, yes.

8 Q. You -- you mentioned there  
9 was a petty cash safe, is that  
10 correct?

11 A. We had a safe in the office  
12 where we kept some items, and then  
13 at some point Chase got a second  
14 safe to -- where we kept other items  
15 that I think only her and I had the  
16 combo to, and that is where we kept  
17 the petty cash.

18 Q. And she would reimburse  
19 herself cash from that safe, is that  
20 right?

21 MS. HARWIN: Objection to  
22 the form.

23 A. Yes, she would reimburse  
24 herself, and I would reimburse  
25 myself when we had petty cash --

1 M. KAPLAN

2 when we had receipts to go through.

3 Q. Did she have to approve the  
4 amount of petty cash that you would  
5 remove from the safe?

6 A. No. She would -- a lot of  
7 times she would ask Berdon to get  
8 petty cash because she had a trip,  
9 or she had a big thing, or the  
10 apartment with Toukie. But she  
11 didn't -- she didn't have to approve  
12 if I was -- that is what I was  
13 saying earlier. That is the one  
14 area where I had -- I wouldn't say  
15 she was a supervisor on that. But  
16 on everything else she was.

17 Q. She would approve her own  
18 petty cash, is that correct?

19 A. Yes.

20 Q. And at the time that you  
21 received the expense reports from  
22 her, regarding her spending, she had  
23 already approved her own expenses,  
24 is that correct?

25 MS. HARWIN: Objection to

1 M. KAPLAN

2 the form.

3 A. Yes, she had already --  
4 yeah, approved them, yes.

5 Q. So for example, if she was  
6 reimbursing herself for purchases at  
7 Whole Foods, would you have anyway  
8 of knowing what she purchased at  
9 Whole Foods?

10 MS. HARWIN: Objection to  
11 the form.

12 A. No. Other than -- if there  
13 is a receipt, if you look at the  
14 receipt, you can see what was  
15 purchased. But on the sheet itself,  
16 it just would say lunch or whatever.

17 Q. Did you ever review the  
18 receipts to determine what, in fact,  
19 she had purchased from Whole Foods?

20 A. No, that wasn't standard  
21 practice.

22 Q. Okay.

23 What about from Dean &  
24 DeLuca, did you review receipts from  
25 Dean & DeLuca?

1 M. KAPLAN

2 A. No.

3 Q. So is it fair to say that  
4 you don't know exactly what she  
5 would be purchasing at those stores?

6 A. It is -- yes, fair to say  
7 that.

8 Q. So, for example, she could  
9 have been purchasing toiletries,  
10 correct?

11 A. She could have purchased  
12 anything that they would sell there.  
13 Yeah. I wouldn't have.

14 Q. And then she would approve  
15 those expenses and remove the cash  
16 from the safe, is that right?

17 A. Yes.

18 Q. How many iPhones did Canal  
19 purchase for your use between  
20 approximately -- between 2013 and  
21 2019?

22 A. For my use?

23 Q. Yes.

24 A. I don't know. Probably --  
25 you know, I -- a couple, not too

1 M. KAPLAN

2 many. I mean, I didn't get one  
3 every time there was a new one. I  
4 got -- sometimes I would get them,  
5 you know, for -- at one point I got  
6 one for free from Apple, but I don't  
7 know. A couple. I don't know  
8 exactly. I don't have a number.

9 Q. Do you have knowledge as to  
10 approximately how many phones Chase  
11 purchased through Canal for her  
12 personal use?

13 MS. HARWIN: Objection to  
14 the form.

15 A. I don't remember the  
16 number, but I remember back a few  
17 years ago that she had purchased  
18 several -- she had purchased more  
19 phones than the average person, for  
20 sure I know during that time period.  
21 I think she broke a phone and just  
22 would get a new phone, buy another  
23 -- break a phone and get a new  
24 phone, but I don't remember exactly  
25 how many.

1 M. KAPLAN

2 Q. When you say, "break a  
3 phone," what do you mean?

4 A. Well, I mean, if a phone  
5 broke on her or wasn't working well,  
6 I think she would just get another  
7 one. It was a few years ago now, so  
8 I don't remember the specifics. But  
9 I know she definitely got new  
10 phones. Like every time there was a  
11 new phone, she got a new phone for  
12 sure.

13 Q. And that is something that  
14 Canal would pay for?

15 A. Yes.

16 Q. You said earlier that  
17 privacy is important to Bob, is that  
18 correct?

19 A. Yeah. I would say that is  
20 one of his -- the number one thing  
21 he is looking for in people who work  
22 around him is, you know, he is -- he  
23 tries to keep things -- he tries to  
24 be private.

25 Q. What about honesty?

1 M. KAPLAN

2 MS. HARWIN: Objection to  
3 the form.

4 A. Yeah. He looks for people  
5 that are loyal, that are honest, and  
6 that -- yeah. He wants things to  
7 get done, you know, these are the  
8 things that he looks for, and -- but  
9 yeah. He trusts -- in the privacy,  
10 it is like he does -- if somebody is  
11 the person that handles something,  
12 he just wants them to be the person  
13 that handles it because he thinks  
14 like, you know, why mess up the  
15 system kind of thing.

16 Q. From your perspective, did  
17 Chase attempt to control access to  
18 him?

19 MS. HARWIN: Objection to  
20 the form.

21 A. Yeah. She -- I would say  
22 she -- she didn't want the  
23 assistants -- the other assistants  
24 to get -- she didn't want them to  
25 get too close to him. She -- you



1 M. KAPLAN  
2 know, we had a situation where there  
3 was a -- we mentioned earlier  
4 someone named Olivia Jampol. She  
5 was the only assistant, so she was  
6 working -- you know, I think she was  
7 closer to Bob than Chase would have  
8 liked in some ways. So after that  
9 it was sort of like we had two  
10 assistants so they were all kind of  
11 replaceable and can do the exact  
12 same work. And like I mentioned  
13 earlier, she didn't want them, you  
14 know, connecting phone calls on  
15 their iPhones. She didn't really  
16 want them going to events. And  
17 yeah, so I think she wanted it to be  
18 like I sort of was grandfathered in,  
19 or I was the person that did that,  
20 or whatever you want to say. But  
21 she didn't really want them being  
22 too close to the family or anything  
23 like that.

24 Q. This is based on your own  
25 personal observations of her

1 M. KAPLAN

2 interaction with the office staff,  
3 is that right?

4 MS. HARWIN: Objection to  
5 the form.

6 A. Well, she set the rules for  
7 how like they would -- what they  
8 would -- their exact rules were, so,  
9 you know, that is my observation.

10 Q. You testified earlier about  
11 certain duties and responsibilities  
12 that she had. Were there any office  
13 duties and responsibilities that  
14 remained constant irrespective of  
15 what may have been going on in Bob's  
16 life?

17 MS. HARWIN: Objection to  
18 the form.

19 Q. Do you understand my  
20 question?

21 A. For Chase, yes. So --  
22 yeah. So she was the -- her  
23 constant role was she was always the  
24 person who he had this, you know,  
25 the perk budget of like when he was

1 M. KAPLAN  
2 on a movie, she would sort of manage  
3 that. That is why I said earlier --  
4 you asked me the question about the  
5 Debra thing. She sort of like --  
6 you know, these people who worked on  
7 the set, like it was their like  
8 livelihood was at stake, and she  
9 would sort of like dole out, like,  
10 okay, I got you your money. It was  
11 kind of like she was in charge of  
12 getting them all their deals when he  
13 did movies, and she was -- she did  
14 the -- I think she did a lot of -- I  
15 think she had some oversight on his  
16 travel as far as like planes. And I  
17 think generally just office manager  
18 was her main -- her main thing about  
19 what was going on. She was in  
20 charge of Bob's office and policies.  
21 She would set the policies. She  
22 e-mailed him if she was changing  
23 something about vacation, about  
24 holidays, about, you know, people --  
25 what they were paid, if they were

1 M. KAPLAN

2 raises, things of that nature.

3 Q. Was she doing those types  
4 of things irrespective of whether or  
5 not he was filming a movie for  
6 example?

7 A. Yeah. That was her -- you  
8 know, day to day was sort of  
9 overseeing, you know, so that -- if  
10 we had a new employees that we -- so  
11 if we were hiring employees, if we  
12 wouldn't needed to hire somebody,  
13 that would fall under that. If she  
14 was of -- she was sort of -- she was  
15 sort of in and out of like how much  
16 she was involved in some of his  
17 day-to-day stuff. It didn't really  
18 matter. If he was shooting a movie  
19 or not, it was sort of like that was  
20 the more day-to-day job. And when  
21 he was shooting a movie, once the  
22 movie was settled, she wasn't really  
23 doing so much because everything was  
24 sort of settled. It was -- you  
25 know, unless there was things on the

1 M. KAPLAN

2 weekends that he had to travel back  
3 and forth or something like that.

4 Q. You testified that you  
5 would sometimes get prescriptions  
6 for Bob, is that right?

7 A. Yes.

8 Q. How frequently would you do  
9 that?

10 A. Often. I mean, that is --  
11 you asked me about access. I think  
12 that was one of the things where she  
13 didn't want -- she was changing  
14 policies a lot. But the way I  
15 remember it was that there was  
16 definitely a long stretch that she  
17 didn't want the assistants getting  
18 the prescriptions because she wanted  
19 it either her or I, or someone she  
20 could trust with his information.  
21 So I would often, and it was -- you  
22 know, we would get them in the  
23 office in Tribeca, and have to get  
24 them to his apartment somehow,  
25 whether the driver or go take them

1 M. KAPLAN

2 up yourself. So I did that fairly  
3 often, and then -- I mean, she did  
4 it, too, when she was Downtown.

5 Q. So when you say when she  
6 was Downtown, is that differentiated  
7 from the time when she was working  
8 from out of the office?

9 MS. HARWIN: Objection to  
10 the form.

11 A. Sorry. I mean, the office.  
12 The office is in Tribeca. And the  
13 pharmacy would be across the street  
14 from the office, so you couldn't get  
15 him a prescription if you weren't in  
16 Tribeca.

17 Q. And then there was just --  
18 to, again, orient you, there was a  
19 period of time where you said that  
20 she would commonly be working from  
21 home, is that right?

22 A. Yes. There was a period of  
23 time towards her later years  
24 especially where she worked a lot  
25 from home.

1 M. KAPLAN

2 Q. And we are talking about  
3 your picking up prescriptions. How  
4 frequently is that something that  
5 you would do, let's say from 2017 to  
6 the time when she resigned?

7 A. I mean, I remember a couple  
8 of different medications, and I am  
9 sure they are all about once a  
10 month. So, you know, maybe a few  
11 times a month.

12 Q. Alright.  
13 Do you consider that a big  
14 part your job?

15 A. No. It was sort of a --  
16 you know, this was one of the things  
17 that used to be -- like earlier on  
18 this was just something that like  
19 anybody did, and then became a thing  
20 that we had to be very secretive  
21 about, which is why, again, this is  
22 amazing we are doing this -- we are  
23 having a public lawsuit and  
24 everything. But it was like her and  
25 I were the only people that could be

1 M. KAPLAN

2 trusted with information kind of  
3 thing. I didn't consider it a big  
4 part of the job, it was just  
5 something to do.

6 Q. Are his medications, for  
7 example, something that you  
8 understood that he would want to be  
9 kept private?

10 A. Of course. I mean, I think  
11 anybody would want them to be kept  
12 private.

13 Q. What about his relationship  
14 with Tiffany Chen, did you have an  
15 understanding as to whether or not  
16 he wanted that kept private?

17 A. Yes. The first time I -- I  
18 mean, it was -- I sort of knew of  
19 her before I saw her because she had  
20 some stuff in the apartment and her  
21 name was on stuff that she may have  
22 had sent there. But the first time  
23 I met her, he said to me, like sort  
24 of awkwardly pulled me aside and was  
25 like, "This is my friend, you know,



1 M. KAPLAN

2 just don't mention it to anybody."

3 And I didn't mention it to -- you  
4 know, until it became more -- it was  
5 -- it was actually a secret for a  
6 long time shockingly.

7 Q. Alright.

8 I want to talk about  
9 Christmas time in the office.

10 When did preparation for  
11 Christmas in Canal Productions  
12 actually begin?

13 A. I would say it began -- I  
14 would say early November usually as  
15 I remember it. There is a process.  
16 There was a picking out of what the  
17 mass gift would be for all of the  
18 employees -- like a gift -- a gift  
19 -- you know it would go to like all  
20 the -- all the Tribeca people and  
21 people in the -- other companies we  
22 dealt -- did business with. And  
23 then there would be specific, nicer  
24 gifts for important people in his  
25 life, lawyers, other people, and

1 M. KAPLAN

2 family members of course was the  
3 most important. There was a holiday  
4 party in early December. So it was  
5 always very hectic in the office.  
6 It really heated up after  
7 Thanksgiving because that is when  
8 the holiday party would happen and  
9 the getting into stuff all over New  
10 York City it would happen.

11 Q. Did this involve more than  
12 one Canal employee?

13 A. This was always sort of an  
14 all hands on deck sort of thing.  
15 Chase was very much in charge of it,  
16 but it involved, you know, certain  
17 people wrapping gifts, certain  
18 people delivering gifts, certain  
19 people working a holiday part, the  
20 travel, you know, going and  
21 videotaping him opening the gifts,  
22 the kids opening the gifts, all of  
23 that. We all -- we all had  
24 different -- we all were involved in  
25 it, yes.

1 M. KAPLAN

2 Q. And you said Chase was in  
3 charge of this, is that correct?

4 A. She definitely would send  
5 out an e-mail every year, sort of a  
6 -- you know, this is -- we have to  
7 get on top of all these different  
8 things, and she gave me the idea for  
9 the mass gifts. We would talk about  
10 ideas for the gift, and she would do  
11 the shopping with him, and sort of  
12 tell the office like -- or, you  
13 know, tell -- that -- this is what  
14 Bob bought for this, bought for this  
15 person. She was very much -- very  
16 much involved in all of those  
17 decisions.

18 Q. Would she delegate some of  
19 the tasks that needed to be done to  
20 other Canal employees?

21 A. She would delegate -- yes.  
22 Like pick up gift cards for people,  
23 and picking up things that -- you  
24 know, bottles of wine, things of his  
25 -- definitely some of the more

1 M. KAPLAN  
2 personal things were delegated. The  
3 wrapping of -- she wrapped a lot of  
4 the gifts for the family, but a lot  
5 of the wrapping for the other people  
6 she definitely delegated. Did  
7 delivering. I mean, it was -- this  
8 is the type of thing that not one  
9 person could do. It was kind of a  
10 -- in the pre-pandemic world when  
11 everyone was in offices, everyone  
12 got gifts, and it was kind of a big  
13 operation. But she -- and she would  
14 keep people -- people would say --  
15 there was definitely like a week or  
16 so where people would work -- like  
17 she would keep people in the office  
18 because she wouldn't like make  
19 decisions on things until like the  
20 last second. So a lot of this  
21 wrapping would happen literally a  
22 few days before people were going on  
23 break, and they are there until 2:00  
24 in the morning or I don't know how  
25 late.

1 M. KAPLAN

2 Q. Moving along to the

3 [REDACTED] Did I hear you  
4 right that you describe her as the  
5 overseer?

6 MS. HARWIN: Objection to  
7 the form.

8 A. I don't -- yeah. I don't  
9 remember what word I used, but she  
10 was the -- she sort of -- she was  
11 the -- she was in charge of the  
12 operation. I mean, it -- every  
13 detail she wanted -- she want -- she  
14 authorized. I once put the Con Ed  
15 bill in my name, and she called me  
16 and screamed at me, and told me that  
17 I had to call Con Ed and put it in  
18 her name. She was involved in  
19 pretty much every aspect. It was --  
20 from the summer -- from the time the  
21 lease was signed, until we -- you  
22 know, until later in the fall.

23 Q. Was there a time that the

24 [REDACTED]

25 A. It -- it changed over time

1 M. KAPLAN

2 obviously because he -- he got  
3 involved -- you know, he moved in.  
4 Once he moved in it was a little  
5 different than when he wasn't living  
6 there. It seemed to be going -- he  
7 -- he -- there was no interior  
8 designer hired or anybody that had a  
9 -- you know, there wasn't a very  
10 streamlined process. It was a lot  
11 of -- it was a lot of things that  
12 were happening, you know, it would  
13 be like ordering this piece of  
14 furniture that wasn't going to come  
15 for three months, or this table he  
16 wanted to get from Upstate. It was  
17 all sorts of moving parts, so it was  
18 still going on up until -- in some  
19 capacity it was still going on even  
20 I think when she resigned there was  
21 still work to be done.

22 Q. Alright. Alright.

23 Did she ever express to  
24 you -- you used the word relish.  
25 Let me withdraw the question.

1 M. KAPLAN

2 You said she seemed to  
3 relish the job. What do you mean by  
4 that?

5 MS. HARWIN: Objection to  
6 the form.

7 A. I inter -- my impression  
8 was that she -- it was the type of  
9 thing that she would complain about  
10 it, but I think she also liked it.  
11 Because it was the type of thing  
12 where we would be there for no  
13 reason. You know, like Bob could  
14 come see the apartment at -- he  
15 couldn't be there until like 8:00  
16 9:00 at night to see it, what we had  
17 had that day, and she wanted us all  
18 to stay there, and she wanted to  
19 show him everything. And we had  
20 talked about Robin's daughter is an  
21 interior designer. She offered to  
22 help, and I don't think Chase liked  
23 that idea very much. The idea of  
24 bringing in some outside person just  
25 wasn't something she wanted to do.

1 M. KAPLAN

2 She said that Bob didn't want to pay  
3 for it. But my impression was she  
4 -- for a while really it was like  
5 kind of a -- a crazy, fun project  
6 that she seemed to yeah, relish.

7 Q. Let's break that down into  
8 a couple of different pieces. There  
9 was an interior designer that was  
10 brought in to help, is that right?

11 A. Yes. There was an interior  
12 designer that was a friend of hers,  
13 Rachel, who was brought in to help.  
14 But she was a -- it was -- Chase,  
15 and Bob, and her would make  
16 decisions together and she was --  
17 yes.

18 Q. You said, "a friend of  
19 hers," whose friend was she?

20 A. She was Chase's friend.

21 Q. You are saying Chase  
22 brought her in?

23 A. Uh-huh.

24 Q. Yes?

25 A. Yes. Yes. Sorry.



1 M. KAPLAN

2 Q. Did it appear to you that  
3 Chase was enjoying parts of this  
4 product -- project?

5 MS. HARWIN: Objection to  
6 the form.

7 A. Yes. I think she -- it was  
8 -- this kind of -- she sort of  
9 enjoyed like we would order food to  
10 the house. It was like this big,  
11 crazy house that we would work out  
12 of all day, run around, and buy  
13 things. We constantly were buying  
14 things. It was this massive  
15 undertaking. It was like a  
16 three-floor townhouse that had  
17 nothing in it. So it was starting  
18 from scratch, and it was constantly  
19 things coming up with the -- with  
20 the landlord, and -- it just --  
21 yeah. It seemed to me that she  
22 wanted to retain control of this  
23 project the entire way.

24 Q. Well, what made you think  
25 or feel that she wanted to retain

1 M. KAPLAN

2 control of the project as you just  
3 said?

4 A. Well, the idea that she  
5 brought in her friend to be, you  
6 know, we could have -- in the  
7 beginning found either Robin's  
8 daughter -- Robin Chamber's daughter  
9 was an interior designer, or we  
10 could have found somebody through  
11 any one of his number of -- a hotel  
12 or -- many different ways we could  
13 have found somebody to sort of  
14 oversee this operation. And I don't  
15 know, I just got the impression that  
16 she wanted, you know, she wanted to  
17 be the one making the decisions, and  
18 wanted to be the one -- this was  
19 like, you know, she -- when she  
20 would complain about it, it would be  
21 more about because Bob didn't like  
22 something or whatever because Bob  
23 was being indecisive, but it wasn't  
24 -- she wasn't complaining about the  
25 idea of us doing this job, at least

1 M. KAPLAN

2 not -- I complained about it, but it  
3 was --

4 Q. Okay.

5 At that time, was that a  
6 project that all Canal employees  
7 were involved in?

8 A. No. She did not want the  
9 office, Sabrina or Gillian, to even  
10 -- to be involved in at all. I  
11 don't think they ever visited for  
12 that -- for months because she  
13 wanted, you know, they shouldn't be  
14 involved, it was a secretive thing.  
15 She hired an assistant to help with  
16 the project. We hired the interior  
17 decorator, but it was us. It was  
18 the four of us were involved and the  
19 office was kept at arm's length.  
20 She didn't want them to be --

21 Q. Who is Lu Lu White?

22 A. She was hired to be Chase's  
23 assistant. And yeah, that summer,  
24 and brought in to just help organize  
25 Chase -- be basically Chase's

1 M. KAPLAN

2 assistant on this project mainly  
3 because this was the main thing we  
4 were doing, until -- at least until  
5 Christmas came about.

6 Q. When you say, "the summer,"  
7 is that the summer of 2018?

8 A. Yeah. I don't remember  
9 when she started, but it was, I  
10 believe, in August. I could be  
11 wrong, but I think around December  
12 of 2018 sounds about right to me.

13 Q. And do you know who hired  
14 Lu Lu White?

15 MS. HARWIN: Objection to  
16 the form.

17 A. Yeah. We hired -- I was --  
18 I was involved in meeting with her,  
19 but the way I remember it, I think,  
20 we might have -- we were just  
21 getting -- earlier in the summer we  
22 hired Sabrina to work in the office  
23 through an agency. And I believe Lu  
24 Lu came through the same agency, and  
25 Chase saw her as like a perfect

1 M. KAPLAN

2 assistant to hire for herself.

3 Q. So who -- who, if you  
4 recall, who put forward the offer to  
5 Lu Lu White?

6 A. Chase would have.

7 Q. When you say Chase would  
8 have --

9 A. Chase put forward the  
10 offer, sorry.

11 Q. Okay.

12 Did you ever make an offer  
13 of employment to any Canal employee?

14 A. No.

15 Q. Who -- who made the  
16 decisions -- withdrawn.

17 Who made offers of  
18 employment for -- for Canal  
19 Productions?

20 MS. HARWIN: Objection to  
21 the form.

22 A. The official offers would  
23 always come through Chase.

24 Q. And are you familiar with  
25 something called The Office of Chase

1 M. KAPLAN

2 Robinson?

3 MS. HARWIN: Objection to  
4 form.

5 A. Yes. That was -- that was  
6 Lu Lu's e-mail signature that said,  
7 "The Office of Chase Robinson."

8 Q. Do you know what that was?

9 A. It was never discussed why  
10 that was her signature other than  
11 that must have been the decision  
12 Chase made to tell her to make it  
13 her e-mail signature that she worked  
14 for her.

15 Q. During the period of time  
16 that the [REDACTED] project was ongoing,  
17 did Chase's duties and  
18 responsibilities regarding the  
19 office stop?

20 MS. HARWIN: Objection to  
21 the form.

22 A. No. No.

23 Q. Alright.

24 And you mentioned that you  
25 had a [REDACTED], I believe, it

1 M. KAPLAN

2 was in January of 2019?

3 A. I did. January 26th. I  
4 believe.

5 Q. Okay.

6 And were you out of work,  
7 physically, out of work for a period  
8 of time?

9 A. I was physically out of  
10 work for about five weeks, yes.

11 Q. And do you know who, if  
12 anyone, filled in for your role  
13 while you were out?

14 A. I think everybody filled in  
15 a little bit. I think Chase did  
16 most of it in that she just sort of  
17 -- she would ask me some questions  
18 sometimes. But, yeah. It was  
19 mostly things -- I think some things  
20 that I had been doing just like went  
21 on pause I guess. And then other  
22 things -- there were some things  
23 that the office could help --  
24 computer-wise, help Bob with, and  
25 Chase I am sure she did some things

1 M. KAPLAN

2 while I was out. I don't remember  
3 specifically, but, yeah.

4 Q. Who, if anyone, would set  
5 office policies regarding vacation?

6 MS. HARWIN: Objection to  
7 the form. I will note to the  
8 witness that that is not  
9 something that you should  
10 speculate on.

11 MR. DROGIN: You asked  
12 him to speculate all day. I  
13 mean, I am just asking if he  
14 knows.

15 Q. Who would set policies on  
16 vacation?

17 A. Chase would set the  
18 vacation policy. She would -- you  
19 know, look at what, you know, how  
20 many days or what days Tribeca was  
21 off for like holidays. And I think  
22 generally follow that for the  
23 holiday schedule. But for the  
24 amount of vacation days, she would  
25 set that policy.



1 M. KAPLAN

2 Q. When you say she would set  
3 that policy, would she, to your  
4 knowledge, determine the number of  
5 vacation days that Canal employees  
6 would be entitled to take each year?

7 MS. HARWIN: Objection to  
8 the form.

9 A. Yes.

10 Q. Do you know whether Canal  
11 employees were required to get her  
12 approval to take certain days off  
13 for vacation?

14 A. Yes.

15 MS. HARWIN: Objection to  
16 the form. And counsel, can  
17 you clarify what period you  
18 are talking about?

19 MR. DROGIN: Yes. From  
20 -- we will talk about from  
21 2015, on, until she quit.

22 A. From 2015, to 2019, if  
23 somebody in the office wanted to  
24 take a vacation day, they would  
25 e-mail Chase asking if it is okay,

1 M. KAPLAN

2 and take blah-blah blah days off for  
3 this reason, and she would approve  
4 of it or disapprove of it.

5 Q. How do you know that?

6 A. I believe I was CCed on  
7 e-mails sometimes. Otherwise, I  
8 would have seen the e-mails when we  
9 went through her e-mail address. I  
10 don't remember. But I know -- I  
11 know people would ask -- I know  
12 people would ask her directly. I  
13 mean, they would ask each other.  
14 They would make sure the other  
15 people in the office were around  
16 those days. Generally that was the  
17 policy that you couldn't just take  
18 off if someone else was taking off.

19 Q. Did Canal employees receive  
20 bonuses?

21 A. Yes, at Christmas time.

22 Q. Let's talk about Christmas  
23 bonuses.

24 Do you know how it was  
25 determined the amount that Canal

1 M. KAPLAN

2 employees would receive for  
3 Christmas bonus?

4 A. Yeah. They would receive  
5 -- I received a standard bonus that  
6 was part of what I negotiated during  
7 my last raise, 1,000 years ago. But  
8 they would receive -- Chase had --  
9 she would -- at one point they were  
10 getting I think like a 2,500 -- at  
11 one point when we hired people Chase  
12 had the idea that they would get a  
13 2,500 bonus at Christmas, and a  
14 2,500 birthday bonus. And then I  
15 think she got -- I think somebody  
16 might have quit soon after the  
17 Christmas or the birthday, but at  
18 some point she changed that. We  
19 would talk about these ideas, but  
20 her idea was she wanted to bring the  
21 bonuses down as far as showing Bob  
22 that we were spending less money in  
23 the office. And generally, she had  
24 decided, you know, based on how long  
25 -- I think it was like a week's pay

1 M. KAPLAN

2 for maybe -- I don't remember if it  
3 was a little bit more for people  
4 that were there a little bit longer,  
5 but it was definitely less than what  
6 it used to be. She would say to  
7 Bob, "This is what we are giving for  
8 bonuses" in an e-mail with Michael  
9 Tasch probably on it. And he would  
10 say -- you know, he disagreed --  
11 with anything she said, he agreed  
12 to.

13 Q. Can you repeat that part,  
14 he would agree to or would not?

15 A. He would -- he deferred to  
16 her on stuff like that. So if she  
17 said, "I think we should give so and  
18 so a raise," he would say, "Okay."  
19 I don't remember a situation where  
20 he would say no to that. And the  
21 bonus we are doing for this year,  
22 and he would sign off on it. And he  
23 would let Michael Tasch know at  
24 Berdon.

25 Q. You testified earlier that

1 M. KAPLAN

2 Chase came up with some ideas, and  
3 you said, quote, "You are not  
4 getting a raise, but," and then you  
5 broke off your answer.

6 Do you remember giving that  
7 testimony?

8 MS. HARWIN: Objection to  
9 the form.

10 A. Yeah. I mean, that is --  
11 you know, she would -- that is the  
12 type of thing -- I think she said to  
13 me at some point, you know, it was  
14 like sort of like, well, it is  
15 easier to get Bob -- Bob will get  
16 mad about if you make this much  
17 money, but he would agree to this  
18 bonus type of thing. That is  
19 actually why -- I think that is why  
20 my bonus was put in there the way it  
21 was. So the vacation pay was a  
22 similar kind of consent. It is like  
23 oh, look, you are getting -- you  
24 know, this many days this year of  
25 vacation pay. So that was a nice

1 M. KAPLAN

2 little bump at the end of year.

3 Q. Now the unused vacations,  
4 was that an honor system?

5 MS. HARWIN: Objection to  
6 the form.

7 A. Yeah. She would call me  
8 and ask me to -- how many days I  
9 didn't use. Sometimes -- I think  
10 there was one or two years where she  
11 had a number, and I would try to  
12 double check it off the top of my  
13 head, but it was pretty much based  
14 on like an honor system because I  
15 didn't -- I didn't -- yeah. He just  
16 sort of -- that is just the numbers.  
17 I went to Florida for five days, I  
18 went to California for five days. I  
19 took two random days here or there.  
20 That is 12 days I took vacation,  
21 that type of thing.

22 Q. How -- how did you know how  
23 many vacation days you were entitled  
24 to each year?

25 A. We would -- somehow we

1 M. KAPLAN  
2 talked about -- I don't know what  
3 year. Tribeca would give people I  
4 think 14 or 15 days a year. So I  
5 think 14 was the starting point with  
6 new employees I believe. And Chase  
7 had it that we should just add -- at  
8 some point it was like an added days  
9 for service kind of thing. But  
10 there was nobody really like --  
11 there was nobody really that was --  
12 it was discussed with other than  
13 running this idea. It was like okay  
14 sure, that seems like a reasonable  
15 number.

16 Q. I'm sorry, who is making  
17 that decision to increase the days?  
18 It is not clear?

19 MS. HARWIN: Objection to  
20 form.

21 A. It was a type of thing that  
22 Chase would have an idea, and  
23 present it to me, and I would say,  
24 "Okay. That sounds great." That  
25 type of thing.

1 M. KAPLAN

2 Q. And this was just to you  
3 and her or this was for everyone?

4 A. It was things we would have  
5 discussions over, yes.

6 Q. But for a new hire,  
7 additional vacation days, do you  
8 have any knowledge as to how that  
9 was communicated to them?

10 A. I think there was a  
11 contract sort of when they signed  
12 it, that they listed -- I recall an  
13 offer sheet that was listed for how  
14 many vacation days. And I don't  
15 believe it was communicated to them  
16 that there would be an increase if  
17 they stayed longer. I think that  
18 was more of something that, you  
19 know, there was never -- she never  
20 made a compensation for the fact  
21 that what if somebody actually  
22 stayed for years like we have been  
23 doing. So I don't think we ever got  
24 to that point.

25 Q. You are talking about a



1 M. KAPLAN

2 contract.

3 Are you familiar with any  
4 employees who were given a contract?

5 A. I think that all of the  
6 recent employees were given  
7 contracts, Morgan, Gillian, Sabrina,  
8 I don't know what year. You would  
9 know better than me. I don't know  
10 what year that started. I don't  
11 believe in the early -- many years  
12 ago we used to do that.

13 Q. Why would I know better?

14 A. Well, I meant you in the  
15 general, like as lawyers for Mr. De  
16 Niro that you would have -- somebody  
17 created the contract. Chase didn't  
18 create it. She just discussed what  
19 she wanted in it.

20 Q. Okay.

21 And what role, if any, to  
22 your knowledge, did Chase have in  
23 the onboarding process with new  
24 hires?

25 A. Chase decided sort of the

1 M. KAPLAN  
2 speed at which the new hires would  
3 matriculate into the Canal orbit so  
4 to speak. Like she -- you know,  
5 they would start, and they wouldn't  
6 -- they often wouldn't be allowed to  
7 answer the phone for a while, a  
8 couple of weeks usually. Or they  
9 would sort of -- they would sit  
10 there and observe, and she would  
11 come in and sort of tell them  
12 stories about people. It wasn't  
13 really -- I would give them a tour.  
14 She wanted me to give them a tour of  
15 Tribeca always. It was sort of like  
16 -- they learned on e-mails for a  
17 while. And then they are allowed to  
18 answer the phone, if it is not a  
19 private call. If it was a private  
20 number it could be Bob or Grace.  
21 And then eventually she would sort  
22 of decide when they were able to  
23 start talking to, you know, Bob  
24 directly and answering the phone at  
25 night.

1 M. KAPLAN

2 Q. I am going to back to  
3 something a little bit more  
4 fundamental.

5 When employees started,  
6 were they given paperwork to review,  
7 fill out, and sign?

8 A. Yes.

9 Q. Who would give them that  
10 paperwork, if you know?

11 A. I think it was Chase. I am  
12 not positive, but I think she would  
13 get the paperwork from -- I don't  
14 know if she got it from Berdon. I  
15 don't know where she got it. But  
16 she would then give it to them in an  
17 e-mail or in person. I don't  
18 remember.

19 Q. Do you know whether Canal  
20 had a written policy regarding  
21 harassment and discrimination?

22 MS. HARWIN: This is very  
23 far afield from the scope of  
24 the direct examination. To  
25 the extent you are doing

1 M. KAPLAN

2 redirect or  
3 cross-examination, please  
4 constrain yourself to the  
5 scope of the directions.

6 MR. DROGIN: I don't  
7 agree. I think what you did  
8 was you turned the telescope  
9 around and you gave a very --  
10 you focused on the -- it is  
11 irrelevant, and I am actually  
12 trying to broaden the scope  
13 so we can actually see what  
14 your client did. So I  
15 disagree with you.

16 Q. Do you understand the  
17 question?

18 A. It was about a policy on  
19 harassment?

20 Q. Yes.

21 A. I don't believe Canal had  
22 its own policy. I believe the -- at  
23 some point we were instructed on  
24 Tribeca -- I think Tribeca came in  
25 and there was like a harassment

1 M. KAPLAN

2 seminar they did at some point  
3 unless it was online. I -- I can  
4 recall attending one. I don't  
5 believe Chase attended it, but,  
6 yeah.

7 Q. Okay.

8 A. Or we had someone come to  
9 our office, yeah.

10 Q. Do you know whether Chase  
11 ever actually took vacation?

12 MS. HARWIN: Objection to  
13 the form.

14 A. I mean it is back to what I  
15 was saying earlier of the definition  
16 to what a vacation is. I know she  
17 traveled a lot around the world and  
18 Los Angeles. And I know there was  
19 pockets of time where I wouldn't  
20 hear from her and no one would hear  
21 from her when she was traveling.  
22 And she -- there was one or two  
23 trips where she specifically said  
24 this is a vacation I don't want, you  
25 know, please don't, you know,

1 M. KAPLAN

2 hopefully don't bother type of  
3 thing.

4 Q. While she was away, say out  
5 of the country, did she ever inject  
6 herself into the office by Skype?

7 A. Yeah. She -- I think when  
8 she used to go to Spain, we had --  
9 at that time we had like a -- it was  
10 like a computer in the office, like  
11 a -- like a general desktop. And  
12 she would -- I think it was a  
13 desktop. But anyway. Yeah -- she  
14 would say to Amelia -- that was back  
15 a long time ago when like Amelia and  
16 Olivia were in the office, and she  
17 would essentially like Skype in.  
18 And like they -- and she would just  
19 sort of hang out, and you would come  
20 into the office and just there would  
21 just be this giant screen, and, you  
22 know, where like there is people on  
23 this call that aren't talking at  
24 all. It would be that situation  
25 where she was just like there, like

1 M. KAPLAN

2 on a supervisor status when she was  
3 in an apartment in Spain doing  
4 whatever.

5 Q. You mentioned Olivia.

6 That is Olivia Jampol,  
7 J-A-M-P-O-L?

8 A. Uh-huh.

9 Q. Yes.

10 A. Yes.

11 Q. How did Olivia's employment  
12 end?

13 A. Chase talked Bob into  
14 agreeing that she wanted to fire her  
15 because she was saying she was being  
16 insubordinate to her, and just had  
17 her -- just had her fired one day in  
18 the office. I don't remember. I  
19 don't remember who exactly -- I  
20 think she did it along with someone  
21 from HR from Tribeca, if I remember  
22 correctly.

23 Q. Have you ever met Chase's  
24 mother?

25 A. I believe I -- yes. I did

1 M. KAPLAN

2 meet her once or twice.

3 Q. Did certain candidates from  
4 employment get referred from Chase's  
5 mother?

6 A. Yes. Olivia, actually, I  
7 believe came from Chase's mother,  
8 Christine. Or Christine was a  
9 friend of her sister. I don't know  
10 if it was Chase's mother. She was  
11 like a childhood friend or something  
12 like that. There was -- I am trying  
13 to think of the list of all of our  
14 ex-employees, where they all came  
15 from off the top of my head. There  
16 was some interns that came I think  
17 were family friends. This guy named  
18 Ross, some girl named Daisy, I  
19 believe.

20 Q. One other question about  
21 Spain. To your knowledge, when she  
22 was in Spain, was she paid her full  
23 salary?

24 A. Yes.

25 Q. I want to ask you about



1 M. KAPLAN

2 your perception of Chase's  
3 relationship with Bob.

4 Did there appear to be  
5 anything odd about her relationship  
6 with him?

7 MS. HARWIN: Objection to  
8 the form.

9 A. She just was like -- it was  
10 one of those things that everybody  
11 in Bob's world thought Chase was  
12 nuts, and yet, it was like -- it  
13 didn't seem like Bob thought Chase  
14 was nuts sort of thing. So they --  
15 you know, she was very like -- you  
16 know, she would sign her e-mail  
17 signature C, and he would sign it B,  
18 and I don't know -- there was like  
19 little things that she would copy  
20 things that he did I think that is  
21 how I remember it. They would --  
22 she would go through like these  
23 walks outside of Bob's kids' school  
24 at one point, which was near where  
25 she lived. She would meet him up

1 M. KAPLAN

2 there and get coffee. So she  
3 definitely spoke to him a lot, and  
4 it would change over time depending  
5 on what was going on. But I don't  
6 know -- I am nobody to judge what is  
7 odd or not odd. But he definitely  
8 trusted her -- he trusted her on  
9 things that he didn't trust really  
10 anybody else with through her  
11 telling him, "don't trust anybody  
12 else on these things."

13 Q. Okay.

14 Did Tiffany ever tell you  
15 that she wanted Chase fired?

16 A. She wanted Chase out of the  
17 picture. So I don't know if she  
18 ever said the words, "I want to fire  
19 Chase." She definitely -- she  
20 definitely, you know, wanted Bob to  
21 -- she definitely wanted Chase to go  
22 away.

23 Q. Did she tell you that she  
24 wanted Chase to go away because  
25 Chase was female?

1 M. KAPLAN

2 A. No. She just thought she  
3 was nuts.

4 Q. Okay.

5 Did Tiffany Chen ever lead  
6 you to believe that she wanted Chase  
7 out of the picture because Chase was  
8 female?

9 MS. HARWIN: Objection to  
10 the form.

11 A. No. She -- she just more  
12 or less would -- it was, you know --  
13 she didn't like -- she very much  
14 liked Sabrina when Sabrina started  
15 to come up to deal with the office.  
16 And she wanted her to be involved in  
17 things, and she thought it wasn't  
18 fair that Chase was doing all of  
19 these things, and she wanted -- I  
20 think she wanted to have more, you  
21 know, say in the matter, too. But  
22 she didn't -- it wasn't about female  
23 or male as there is plenty of males  
24 she didn't like, myself included.

25 Q. What other males didn't she

1 M. KAPLAN

2 like?

3 A. She didn't like Bob's  
4 driver, Claude. She had him  
5 removed. She didn't like -- there  
6 was a -- I know there was a chef or  
7 two that she had fired.

8 Q. Were the chefs male or  
9 female?

10 A. Male, male.

11 Q. Both?

12 A. I don't know how many. But  
13 there was at least one chef that was  
14 male that she didn't like and got  
15 rid of.

16 Q. How long had Claude been a  
17 driver for Mr. De Niro?

18 A. Many years he had been the  
19 driver -- I don't remember exactly,  
20 but several, several years.

21 Q. Alright.

22 From your experience and  
23 observations, was Chase generally  
24 liked by other coworkers?

25 MS. HARWIN: Objection to

1 M. KAPLAN

2 the form.

3 A. No. Like I said earlier, I  
4 was sort of the like arm chair --  
5 like therapist to try to keep people  
6 from jumping off the ledge and  
7 quitting because they couldn't stand  
8 working with her. Pretty much every  
9 single person who worked in our  
10 office would break down and just  
11 rude her -- rude her presence so to  
12 speak.

13 Q. From your perspective, why  
14 was that?

15 A. She was very -- it was like  
16 -- for starters, she was very  
17 controlling. Everyone had to do  
18 things a certain way that often  
19 seemed inefficient, that often  
20 seemed like the goal was to work in  
21 the office more. They had to be  
22 chained to their desks, they weren't  
23 allowed to go to any events. They  
24 weren't allowed really any perks.  
25 And she would scream at people

1 M. KAPLAN

2 often. She was abusive to people  
3 often. And she would make -- there  
4 would be, you know, there would be  
5 nights where she would keep people  
6 in the office for -- until after  
7 midnight to like go through photos  
8 for a calendar -- to make calendars.  
9 Things of that -- things that just  
10 weren't important that were treated  
11 as if they were so important that  
12 they had to -- and, you know, she --  
13 that type of thing. She had control  
14 and she used it to sort of like  
15 terrorize people.

16 Q. After Chase quit, you  
17 organized a get together to  
18 celebrate, did you not?

19 A. Yes, as I discussed  
20 earlier.

21 Q. Okay.

22 Why did you do that?

23 A. I think it wasn't my idea.  
24 I think the e-mail was my idea  
25 because that is just -- I try to be

1 M. KAPLAN  
2 a funny guy when I am writing  
3 e-mails, not always thinking of  
4 legal consequences down the road.  
5 But the idea was -- I don't remember  
6 whose idea it was to sort of like --  
7 like get all the people from like  
8 this life of like misery to get them  
9 all in a room. Because originally  
10 it was telling everybody who had  
11 been like tortured, "Did you hear  
12 the news?" Because nobody -- nobody  
13 believed -- nobody who wasn't there  
14 would have believed -- like people  
15 thought Chase would literally never  
16 leave. Bob doesn't see it. All  
17 these people thought she was  
18 abusive, and wasting his money, and  
19 getting paid so much money to do --  
20 to not even be in New York City.  
21 All these lists -- laundry lists of  
22 things that people thought were  
23 nuts, Bob didn't see. They thought  
24 she would never leave, and they were  
25 very -- everyone was sort of excited

1 M. KAPLAN

2 by the idea of getting together and  
3 just -- and the getting together  
4 wasn't about Chase, it was more like  
5 it is good to see everybody and all  
6 of these people that sort of hated  
7 that job, hated working for Bob  
8 because she had ruined their lives.  
9 Some of the people she fired.

10 Andrea Cutler was another person she  
11 had fired on like a Saturday I  
12 believe and made cry. And Olivia  
13 was there, and then -- yeah. So it  
14 was -- it was just -- it was just an  
15 idea that at the moment sounded like  
16 a great idea, maybe -- a fun idea,  
17 maybe it wasn't.

18 Q. You said that you tried to  
19 be funny in e-mails. Do you recall  
20 just saying that?

21 A. Yes. That is -- that is my  
22 MO for my whole life.

23 Q. Okay.

24 Does that extend to text  
25 messages, too?



1 M. KAPLAN

2 MS. HARWIN: Objection to  
3 the form.

4 A. Certainly. If anything a  
5 text message is less I thought, in  
6 my mind, is less permanent than an  
7 e-mail. So if anything when a --  
8 when you are sending a text  
9 message -- it is not always -- it is  
10 taking some liberties to try to be  
11 amusing.

12 Q. And you do standup comedy?

13 A. I do sometimes. I should  
14 do it more often.

15 Q. You use exaggeration?

16 A. Yes. As my mom doesn't  
17 understand, I exaggerate stories all  
18 the time, both on the podcast and in  
19 standup comedy.

20 Q. Are you a bit of a wise  
21 ass?

22 A. Sure.

23 Q. A little bit of a class  
24 clown?

25 A. Yes. That has always been

1 M. KAPLAN

2 my problem, yes.

3 Q. Got unsatisfactory in shows  
4 self control in elementary school?

5 A. Pretty much, yes. Luckily  
6 my children are well -- much better  
7 behaved than I was.

8 Q. You are -- you try to be a  
9 funny guy, is that fair?

10 A. Yes.

11 Q. In Plaintiff's Exhibit 42,  
12 which is Robinson 8022 --

13 MS. HARWIN: Can you drop  
14 into the chat the exhibit?

15 A. It is the petty cash one?

16 Q. No. It is this one.

17 Do you see that?

18 A. The one that you -- which  
19 one --

20 Q. Can you see -- can you see  
21 the e-mail that is up on the screen?

22 A. Yes, about the -- about the  
23 petty cash.

24 Q. Right.

25 Okay. So it is back --

1 M. KAPLAN

2 A. Yeah.

3 Q. What did you find buried in  
4 your backyard?

5 A. Right. That is a joke  
6 about finding, you know, as I see  
7 here, unmarked bills, obviously is a  
8 joke.

9 Q. Wait, wait, wait. Let's  
10 break this down.

11 Did you find anything in  
12 your backyard?

13 A. No. I don't have a  
14 backyard.

15 Q. Okay.

16 What -- did you find money  
17 in unmarked bills?

18 A. No. I did not find money  
19 in unmarked bills.

20 Q. Okay.

21 When Chase left, were you  
22 glad to see her go?

23 A. Yes, I was. Look, I had  
24 the -- I didn't have the same  
25 relationship with her that other

1 M. KAPLAN

2 people had, in that she and I -- she  
3 made my life miserable sometimes,  
4 but also was not -- she wasn't -- we  
5 had a different relationship than  
6 everyone else. So I didn't -- I  
7 wasn't like -- I was like more in a  
8 state of shock. I had been used to  
9 this one thing for so long that it  
10 was like I was going to have so much  
11 less stress in my life. I had just  
12 had a [REDACTED] that possibly she  
13 was partly responsible for -- who  
14 knows. I don't -- so I was happy,  
15 the short of it was I was happy that  
16 there was a resolution. I was not  
17 looking forward to the week of -- of  
18 continuous --

19 Q. My only question -- my only  
20 question was were you glad to see  
21 her go?

22 A. Yes. Short answer. Sorry.

23 Q. Okay.

24 Back in -- sorry.

25 After she left, as you were

1 M. KAPLAN

2 shown by counsel, there were a whole  
3 bunch of texts that you had with  
4 former employees.

5 Is that correct?

6 A. Right. Yes. I saw them.

7 Q. And in one of them if you  
8 recall -- I can pull it up, there  
9 was -- you copy and pasted a video  
10 of then President Obama announcing  
11 the capture and death of Osama Bin  
12 Laden.

13 Do you remember that?

14 A. Yeah. I mean, I think  
15 somebody sent that to me and I  
16 repasted, but I see that I did that.

17 Q. What was the message that  
18 you were trying to convey?

19 A. You know, we -- it was like  
20 this idea that for years she was  
21 sort of like -- it seemed like the  
22 same shock the nation felt when  
23 Osama Bin Laden was killed, like we  
24 finally got him. It was like the  
25 sense of like relief. Everybody who

1 M. KAPLAN  
2 is here -- it was obviously she was  
3 not -- not literal, but it was --  
4 and she is obviously alive, but it  
5 was more of a tongue in cheek it has  
6 finally happened moment. Like it  
7 was very -- at the time it was very  
8 fresh in American psyche, so --

9 Q. Okay.

10 Who is Morgan?

11 A. Morgan Billington worked  
12 for Bob as an assistant and then  
13 worked for his daughter, Drena, for  
14 a bit.

15 Q. Okay.

16 And is Morgan black?

17 A. Yes.

18 Q. Did Chase ever make any  
19 comments about the fact that Morgan  
20 was black?

21 MS. HARWIN: Objection to  
22 the form.

23 A. She -- yeah. Well, there  
24 was a time when -- when we  
25 interviewed Morgan -- I don't know

1 M. KAPLAN  
2 if we talked about this earlier, but  
3 we would often meet at coffee shops  
4 and didn't do it in the office. The  
5 first time we had met with Morgan  
6 who was very -- she had a very --  
7 she was perfect for the job really I  
8 thought, and when she left the first  
9 thing Chase said was, "No. She is  
10 too much Jacquen."

11 Q. J-A-C-Q-U-E-N?

12 A. Yeah. She reminds me too  
13 -- she is too similar. And Jacquen  
14 had been an assistant earlier -- a  
15 little earlier who was not -- I  
16 loved Jacquen, but she was not the  
17 best assistant. And she happened to  
18 be black, too. That is the only  
19 thing these two people had in  
20 common. Jacquen was like -- she is  
21 a writer now and she is -- more  
22 (inaudible) than me than Morgan  
23 would be. Morgan is very serious  
24 and very professional. And there  
25 was literally nothing -- they were

1 M. KAPLAN

2 both women, they were both black.

3 That is all they had in common.

4 Q. Did Chase ever make any  
5 derogatory comments when you would  
6 order a salad?

7 MS. HARWIN: Objection to  
8 the form.

9 A. Yeah. I -- there was --  
10 derogatory, I don't know. It was a  
11 joke, but she would say -- we  
12 referred to it as I was gay for  
13 having gay salads after my [REDACTED]  
14 [REDACTED]. It was a joke, but -- it  
15 was -- we weren't a very PC  
16 environment. She wasn't -- it was  
17 the one thing that I think we had  
18 most in common was neither one of  
19 was very politically correct.

20 Q. That is what I am getting  
21 into.

22 Can you give some other  
23 examples of how, in your opinion,  
24 Chase was not politically correct?

25 MS. HARWIN: Objection to



1 M. KAPLAN

2 the form.

3 A. Some other examples. She  
4 -- I don't know off the top of my  
5 head, but I just -- I would say she  
6 -- she definitely did not, you know  
7 -- she definitely was like the whole  
8 -- like Me Too stuff, she was not  
9 really -- she -- she kind of -- she  
10 just sort of like didn't want the  
11 younger employees who wanted to be  
12 -- you know, she thought it was  
13 ridiculous -- like I was saying  
14 earlier, the whole thing with "The  
15 Girls," that was something she would  
16 say, and would think it was  
17 ridiculous that they were upset by  
18 that. But it bothered Gillian and  
19 Sabrina who were younger, I think a  
20 different generation. We would talk  
21 about this generational thing of  
22 like office that you get -- you  
23 know, when she first started we  
24 would just barely -- the office was  
25 more like bantering than I think

1 M. KAPLAN

2 over time it -- the world has  
3 changed so she didn't like that.

4 Q. We need to back this up.  
5 And sort of replay it because there  
6 is some important things here. We  
7 need to get an understanding as to  
8 how Chase acted in your presence in  
9 the office. Okay?

10 So when you are talking  
11 about -- just confining your answer  
12 to generational differences, explain  
13 what you mean?

14 MS. HARWIN: Objection to  
15 the form.

16 A. What I mean is that Chase  
17 would express opinions about, you  
18 know, things political, or jokes  
19 about sex, or whatnot that were -- I  
20 wasn't offended personally, but we  
21 are not -- we are not how I would  
22 talk if I was in the office now all  
23 the time.

24 Q. So you are saying that she  
25 would tell jokes of a sexual nature

1 M. KAPLAN

2 to you?

3 A. Yeah.

4 MS. HARWIN: Objection to  
5 the form.

6 A. We would have conversation  
7 or make fun of -- you know, I would  
8 tell stories. She liked to hear  
9 stories about things with -- she  
10 once -- we once were at -- we once  
11 were out for an office dinner and  
12 she thought it was funny to like put  
13 my phone number on all the bingo  
14 cards at this bar so that people  
15 were always calling. It said like,  
16 "For a good time call Michael  
17 Kaplan" at this number. You know, I  
18 -- I -- I, personally, you know, it  
19 is not something that bothers me,  
20 but that was the kind of atmosphere  
21 we had in the -- a long time ago.

22 Q. And you mentioned something  
23 about her view on the Me Too  
24 movement.

25 Can you explain what you

1 M. KAPLAN

2 understood her view to be?

3 MS. HARWIN: Objection to  
4 the form.

5 A. Yeah, I don't want to dig  
6 too far into like -- I just meant  
7 like she -- she sort of had the sort  
8 of like, you know -- I don't know.  
9 I mean like Harvey once he was in  
10 our building for instance, and I  
11 think like we would make jokes about  
12 -- that is not the right example.

13 It was just -- the way I  
14 understood it she sort of wasn't as  
15 offended by little things the way --  
16 the way now it is like you have to  
17 tip toe. That is the idea of you  
18 have to tip toe around things. I  
19 don't want to go too far into this  
20 because I don't really have an  
21 example. It was sort of a sense  
22 that I remember.

23 Q. Okay.

24 Did you ever hear Bob refer  
25 to Jane as a cunt?

1 M. KAPLAN

2 A. No.

3 Q. And did Chase use profanity  
4 in the office?

5 MS. HARWIN: Objection to  
6 the form.

7 A. When Chase would get really  
8 mad she would definitely use  
9 profanity in the office, yes.

10 Q. About how frequently would  
11 she get really mad?

12 MS. HARWIN: Objection to  
13 the form.

14 A. You know, it was -- she --  
15 if -- there had to be like a reason  
16 that would set her off. She would  
17 storm into the bathroom and slam the  
18 door, and be on the phone with  
19 someone, or she would be screaming  
20 at -- her and Olivia. She would  
21 scream at Olivia all the time. I  
22 don't know how often, because she  
23 wasn't in the office that often, but  
24 she definitely could like go to like  
25 zero to 60 quickly. She had that

1 M. KAPLAN

2 type of personality.

3 Q. Did she ever scream at you?

4 A. She screamed at me -- yes.

5 There was a time when I -- I spoke

6 to Bob directly about helping him

7 out I think on Saturday Night Live

8 when he was hosting, because it was

9 something that my predecessor had

10 done. And she just lost it because

11 I spoke to him directly. I should

12 be talking to her. She was

13 screaming at me. She -- you know,

14 wanted me back in the office helping

15 out with something. She lost it

16 about -- when I asked Amelia once to

17 help me with an event for his

18 father's art gallery, I think I

19 asked her to print some labels, that

20 time she screamed at me on Skype I

21 believe. But there was -- she

22 definitely lost it a few times on me

23 about -- like I mentioned, the Con

24 Ed bill. I don't know if she

25 cursed. I don't know what word she

1 M. KAPLAN

2 used exactly but she -- she could --  
3 she could have -- she had a temper.

4 Q. Do you know whether Chase  
5 had a housekeeper?

6 A. Chase's mom had a  
7 housekeeper, yeah. And cleaning  
8 person.

9 Q. Yes, okay.  
10 And do you know whether  
11 Chase's mom's housekeeper ever  
12 provided any services to Mr. De  
13 Niro?

14 A. I think that she -- I think  
15 that during the apartment there was  
16 some times when she would bring like  
17 sheets or something back to the  
18 apartment to get pressed by the  
19 housekeeper I believe. It was like  
20 -- as I said earlier, there wasn't  
21 really staff at the house, and she  
22 wanted everything at the house to  
23 seem like it was a maintained Upper  
24 East Side home. So I believe she  
25 brought her in because I don't think

1 M. KAPLAN

2 anyone -- that is how I remember it.

3 Q. Who is -- who is the she in  
4 that sentence?

5 A. Chase. I remember -- we  
6 had a laundry machine there, and I  
7 remember me noticing -- I would go  
8 around and take the -- take the lint  
9 out because I don't think she even  
10 knew to take lint out of the dryer,  
11 so I would have to take it out so we  
12 didn't burn the place down. But so  
13 I don't -- if -- I don't think she  
14 was pressing sheets, but they would  
15 get done somehow. So I believe she  
16 would take them to her housekeeper.

17 Q. Going to Netflix viewing  
18 for a couple of questions there.  
19 What -- withdrawn.

20 Did Chase ever discuss with  
21 you the types of shows she liked to  
22 watch?

23 A. Yeah, we both -- we both --  
24 would talk Arrested Development. We  
25 both watched that, and she would try



1 M. KAPLAN  
2 to get me to watch The League. She  
3 would try to get me to watch  
4 Schitt's Creek. She would tell me I  
5 would like them. I never did watch  
6 them. So we would talk -- we both  
7 liked It Is Always Sunny in  
8 Philadelphia. We would talk about  
9 that.

10 MS. HARWIN: Counsel, we  
11 have been going for over an  
12 hour, can you advise  
13 approximately how much time  
14 you anticipate?

15 MR. DROGIN: Yeah. Five  
16 minutes. We are really right  
17 near the end.

18 Q. You were shown Plaintiff's  
19 Exhibit 34.

20 A. Which one is that?

21 Q. 49479?

22 MS. HARWIN: Can you drop  
23 in chat the exhibit or put it  
24 on your screen?

25 MR. DROGIN: Yeah, I am

1 M. KAPLAN

2 trying.

3 A. Is it the one about -- the  
4 one with Mercedes? Is that the one  
5 we are talking about?

6 Q. Yep. Yep. Okay.

7 Let me just screen share  
8 here. I think I got it. Is that  
9 it?

10 A. I just lost it. I see --  
11 yes, I see it.

12 Q. So you -- you -- there is a  
13 text that you wrote here, August  
14 20th. It says -- you say, "I put a  
15 lot of work into this as she was  
16 threatening to sue Bob so they  
17 wanted to ruin her first."

18 Do you see that?

19 A. Yes.

20 Q. Where did you come up with  
21 this idea or notion that they --  
22 whoever they is, wanted to ruin her  
23 first?

24 MS. HARWIN: Objection to  
25 the form.

1 M. KAPLAN

2 A. I -- I don't -- as I said  
3 earlier, I don't remember a lot of  
4 the text message specifics. I -- I  
5 had -- all I could say is I had the  
6 idea in my head that, you know, that  
7 timing -- it was essentially both --  
8 you know, ruin, I don't know why --  
9 I don't know where I got the word  
10 ruined from. I am kind of just -- I  
11 am kind of just trying to -- to --  
12 what is the word? It sounded good I  
13 guess. But -- because Mercedes here  
14 is e-mailing me about the article  
15 and so yeah, I am just.

16 Q. Let me ask you directly.

17 Did anyone tell you that  
18 Canal Productions wanted to sue  
19 Canal -- sue Chase first because she  
20 was threatening to sue. Did anyone  
21 tell you that?

22 MS. HARWIN: Objection to  
23 the form.

24 A. No. It wasn't told to me  
25 specifically by anybody, no.

1 M. KAPLAN

2 Q. Okay.

3 Did Bob ever yell at you?

4 A. Yes.

5 Q. Can you remember some of  
6 the circumstances that caused him to  
7 yell at you?

8 A. Yeah. He -- once we went  
9 to his father's studio, and it  
10 wasn't -- he just showed up there  
11 unannounced, and he wanted to go in,  
12 and we went in, and it wasn't like  
13 -- it was like dusty, and he went  
14 nuts on me about that. Once -- once  
15 I was on -- there was a time when  
16 Chase and Nellie went to the opera,  
17 and I was using the -- I was on the  
18 phone and a bag got misplaced, and I  
19 had no -- like nothing to do with.  
20 And he called and he started  
21 screaming at me about this bag, and  
22 I had to get it together kid and he  
23 was very mad. And so, yeah. He  
24 definitely yelled at me. I didn't  
25 speak to him as frequently

1 M. KAPLAN  
2 especially as some people. So I  
3 probably didn't get yelled at as  
4 much as other people, but I  
5 definitely got yelled at.

6 MR. DROGIN: Can we take  
7 a five-minute break, please?  
8 I am winding down, but I want  
9 to confer with Mr. Bennett,  
10 and Mr. Harvey, and Ms.  
11 Lazzaro.

12 THE VIDEOGRAPHER: The  
13 time is 6:52 p.m., and we are  
14 off the record.

15 (Whereupon, a recess was  
16 taken at this time.)

17 THE VIDEOGRAPHER: The  
18 time is now 6:57 p.m. We are  
19 back on the record.

20 Q. To your knowledge, didn't  
21 Toukie Smith have a preferred hotel  
22 that she stayed at in Los Angeles?

23 A. Yes. She had stayed -- she  
24 had gone out to LA --I mean, she  
25 knew LA pretty well I think. She

1 M. KAPLAN

2 had been there plenty of times.

3 Yeah, she stayed at the Marriott,  
4 the one in Santa Monica, the famous  
5 one.

6 Q. Does it make any sense to  
7 you that Chase would have had to go  
8 out to Los Angeles to scout out a  
9 hotel for Toukie?

10 A. As I said earlier, it  
11 didn't make sense because there was  
12 specific rooms that she needed for  
13 her medical, they could have sent  
14 those. So it was never something  
15 that I was aware of as a  
16 possibility.

17 Q. Alright.

18 Chase resigned abruptly, is  
19 that correct?

20 A. Yeah. She was -- we were  
21 discussing work the night before and  
22 then she resigned within 24 hours.

23 Q. How did her abrupt  
24 resignation impact the office?

25 A. Well, we -- you know, there

1 M. KAPLAN  
2 was -- it was sort of -- we had to  
3 -- we didn't have a lot information  
4 that she had with regards to  
5 passwords with computers in the  
6 office and things of that nature.  
7 So it was a lot of like trying to  
8 figure out where we were with some  
9 things.

10 Q. Okay.

11 And in the course of trying  
12 to figure out where you were with  
13 those things, was certain  
14 information uncovered that was --  
15 then formed the basis for the  
16 investigation that you testified  
17 about earlier?

18 MS. HARWIN: Objection to  
19 the form.

20 A. Yeah. A lot of the --  
21 there was a lot of things that were  
22 uncovered in Chase's e-mails  
23 specifically that were things that  
24 people weren't aware of to the full  
25 extent I guess.

1 M. KAPLAN

2 Q. And as those things were  
3 uncovered, is that when you began to  
4 look into them in greater detail?

5 MS. HARWIN: Objection to  
6 the form.

7 A. Yeah. Like before that, I  
8 had been looking into miles, but  
9 other things as -- as we -- you  
10 know, especially -- I mean, Gillian  
11 and Sabrina were -- you know, would  
12 see, they would use her e-mail for  
13 work reasons and they would see  
14 other things and be like, what?  
15 What is going on here?

16 Q. But just for clarification,  
17 you -- this look into her e-mails,  
18 that began immediately after she  
19 resigned, isn't that right?

20 MS. HARWIN: Objection to  
21 the form.

22 A. Yeah. There was a time  
23 when we were asking, I -- you know,  
24 I tried to get some passwords from  
25 her, and --



1 M. KAPLAN

2 Q. We want to finish.

3 My only point is, I am  
4 trying to pinpoint when the  
5 investigation that you have been  
6 testifying about actually started?

7 A. It started -- yeah.

8 Q. It started when?

9 MS. HARWIN: Objection to  
10 the form.

11 A. It started -- you know, in  
12 the weeks leading up to her  
13 resignation looking into certain  
14 things, and it accelerated after she  
15 resigned.

16 Q. And the SkyMiles, what  
17 role, if any, did you play in  
18 determining how many SkyMiles Chase  
19 Robinson had used?

20 A. I was -- you know, able to  
21 -- I had access to the Delta  
22 account. I knew -- you know, we had  
23 the log-in information so I was the  
24 one who sort of saw all the trips.  
25 I knew from history which ones were

1 M. KAPLAN

2 ones she had gone on, and then knew  
3 also, you know, other trips. I  
4 didn't know how many Delta miles she  
5 had used of her own stuff. I just  
6 knew the ones she used from Bob's  
7 because I had access to that.

8 Q. Did you analyze the  
9 SkyMiles records to determine which  
10 trips she had taken?

11 A. Yes. I could tell from  
12 looking at the records which trips  
13 were hers.

14 Q. And when you -- when you  
15 made that determination, who did you  
16 give that information to?

17 A. That information went to  
18 Tom Harvey.

19 Q. Okay.

20 MR. DROGIN: I don't have  
21 any further questions. Greg,  
22 I don't know if you do, but I  
23 am done.

24 MR. BENNETT: I do not.  
25 Thank you.

1 M. KAPLAN

2 MS. HARWIN: I have some  
3 follow-up questions and we  
4 will try to keep this quick  
5 and let you go for the  
6 evening. Okay?

7 THE WITNESS: Sure.

8 EXAMINATION

9 BY MS. HARWIN:

10 Q. You weren't involved in all  
11 the communications between Mr. De  
12 Niro and Ms. Robinson about  
13 employees' salaries, is that  
14 correct?

15 A. You said I was or wasn't  
16 involved?

17 Q. You were not involved in  
18 all the communications between Mr.  
19 De Niro and Ms. Robinson about  
20 employees' salaries, correct?

21 A. Not all of them, no.

22 Q. Okay.

23 So correct?

24 A. Correct.

25 Q. Mr. De Niro was the final

1 M. KAPLAN

2 decision maker when it came to  
3 employees' salaries at Canal,  
4 correct?

5 A. No. I wouldn't say that  
6 this is correct.

7 Q. Ms. Robinson could not  
8 implement employees' salaries  
9 without first obtaining Mr. De  
10 Niro's approval, correct?

11 A. That is correct, yes.

12 Q. You weren't involved in all  
13 of the communications between Mr. De  
14 Niro and Ms. Robinson about employee  
15 bonuses, correct?

16 A. Correct.

17 Q. Ms. Robinson could not  
18 implement bonuses without first  
19 obtaining Mr. De Niro's approval,  
20 correct?

21 A. Correct.

22 Q. Ms. Robinson could not  
23 implement a termination decision  
24 without first obtaining Mr. De  
25 Niro's approval, correct?

1 M. KAPLAN

2 A. Define -- yes. She would  
3 need his approval, correct.

4 Q. And you weren't involved in  
5 all of the communications between  
6 Mr. De Niro and Ms. Robinson about  
7 terminating employees at Canal,  
8 correct?

9 A. I don't know if I was  
10 involved. No, not all of them. No.  
11 Correct.

12 Q. Tribeca Enterprises had a  
13 human resources department, correct?

14 A. Correct.

15 Q. Canal borrowed a lot of  
16 policies from Tribeca Enterprises,  
17 correct?

18 MR. DROGIN: Objection to  
19 the form. You can answer it.

20 A. Canal borrowed some of the  
21 -- yes. I guess. Correct, I guess.

22 MR. DROGIN: Please don't  
23 guess.

24 A. I don't really know what  
25 Canal borrowed from Tribeca. I

1 M. KAPLAN

2 haven't looked at Tribeca's policy  
3 closely.

4 Q. It was your understanding  
5 that Canal borrowed a number of  
6 policies from Tribeca, correct?

7 MR. BENNETT: Objection  
8 to the form.

9 A. It was -- correct. It was  
10 my understanding that legally  
11 Tribeca and Canal were similar. So  
12 correct.

13 Q. When policies were  
14 implemented at Canal, you weren't  
15 involved in all of the discussions  
16 that took place between Ms. Robinson  
17 and Mr. De Niro before the policies  
18 were implemented, correct?

19 A. Correct.

20 Q. When policies were  
21 implemented at Canal, you didn't  
22 have personal knowledge of whatever  
23 discussions took place between Mr.  
24 De Niro and Ms. Robinson about those  
25 policies, correct?

1 M. KAPLAN

2 MR. DROGIN: Objection to  
3 the form. You can answer.

4 A. Correct.

5 Q. When new policies were  
6 implemented at Canal, you didn't  
7 always have an understanding of  
8 where the new policies came from,  
9 correct?

10 A. That is not correct. We  
11 would have discussed it.

12 Q. Okay.

13 It is your testimony that  
14 -- that you had an understanding as  
15 to where every single policy at  
16 Canal came from?

17 A. Every single policy? I  
18 don't know what policies you are  
19 talking about, so no.

20 Q. Okay.

21 So whenever new policies  
22 were implemented at Canal, you  
23 didn't always have an understanding  
24 of where those policies came from,  
25 correct?

1 M. KAPLAN

2 A. Sure. Correct. I don't  
3 know what we are talking about.

4 Q. When Ms. Robinson wanted to  
5 change Canal's health benefit  
6 provider, Mr. De Niro wouldn't  
7 permit her to do that, correct?

8 A. When Canal -- she wanted to  
9 change the -- she didn't -- it  
10 wasn't that she wanted to change the  
11 health care provider. She wanted to  
12 change the benefit's company.

13 Q. Right.

14 When Ms. Robinson wanted to  
15 change Canal's health benefit  
16 provider, Mr. De Niro wouldn't  
17 permit her to implement the change,  
18 correct?

19 A. Correct.

20 Q. Do you recall Ms. Robinson  
21 ever implementing any office policy  
22 of significance without Mr. De  
23 Niro's approval?

24 MR. DROGIN: Objection to  
25 the form.



1 M. KAPLAN

2 A. I don't know. I don't know  
3 what he -- what he knew about it or  
4 what he didn't, so I don't know. I  
5 can't answer that.

6 Q. Okay.

7 You weren't involved in the  
8 communications between Mr. De Niro  
9 and Ms. Robinson about employees'  
10 vacation days, correct?

11 A. Correct.

12 Q. Ms. Robinson could not  
13 implement changes to the number of  
14 vacation days that employees  
15 received without first obtaining Mr.  
16 De Niro's approval, correct?

17 A. I don't know that she --  
18 that he was involved in that either.

19 Q. You don't know either way?

20 A. I don't know either way. I  
21 don't think it is something that he  
22 would have been involved in, but I  
23 don't know.

24 Q. Ms. Robinson never  
25 expressed to you that she enjoyed

1 M. KAPLAN

2 working on Mr. De Niro's home at

3 [REDACTED]

4 A. Never expressed that she  
5 enjoyed working, I don't -- I don't  
6 recollect expressing any of those  
7 words, no. Correct.

8 Q. Ms. Robinson expressed  
9 complaints to you about working at  
10 Mr. De Niro's home at [REDACTED], correct?

11 A. Not correct. No. Not  
12 really.

13 Q. Well, you testified  
14 previously about complaints that she  
15 expressed?

16 A. She expressed in -- yeah.  
17 Correct in a sense that it is a job.  
18 She complained about the job in  
19 general. Correct. Yes.

20 Q. When you testified about  
21 Ms. Robinson relishing working at  
22 Mr. De Niro's home at [REDACTED], that is  
23 the opposite of what Ms. Robinson  
24 communicated to you, correct?

25 A. No, that's not correct.

1 M. KAPLAN

2 There was examples of her being  
3 frustrated as she communicated to  
4 me. But as an overall feeling, she  
5 didn't communicate that on a daily  
6 basis. That is not correct.

7 Q. Okay.

8 But when you testified  
9 about Ms. Robinson purportedly  
10 relishing working on Mr. De Niro's  
11 home at [REDACTED], that is a conclusion  
12 that you reached, but that is not  
13 something that she told you,  
14 correct?

15 A. Correct.

16 MS. HARWIN: I believe  
17 that can conclude our  
18 questioning.

19 Thank you for being here  
20 for your deposition, Mr.  
21 Kaplan. I appreciate the  
22 time you have taken and we  
23 wish you a good evening.

24 THE WITNESS: Thank you  
25 very much. You too.

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THE VIDEOGRAPHER: The  
time is 7:10 p.m. We are now  
off the record.

(Time Noted: 7:10 p.m.)

MICHAEL KAPLAN

Subscribed and sworn to  
before me this day of  
2022.

Notary Public

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## I N D E X

3

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Michael Kaplan

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Ms. Harwin 7

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Mr. Drogin 406

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Ms. Harwin 490

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C E R T I F I C A T E

I, PAIGE HAYDEN, hereby certify that the Examination Before Trial of MICHAEL KAPLAN was held before me on the 23rd day of March, 2022; that said witness was duly sworn before the commencement of his testimony; that the testimony was taken stenographically by myself and then transcribed by myself; that the party was represented by counsel as appears herein;

That the within transcript is a true record of the Examination Before Trial of said witness;

That I am not connected by blood or marriage to any of the parties; that I am not interested directly or indirectly in the outcome of this matter; that I am not in the employ of any of the counsel.

IN WITNESS WHEREOF, I have hereunto set my hand this 23rd day of March, 2022.

*Paige Hayden*

PAIGE HAYDEN



## ERRATA SHEET

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2				
3	PAGE	LINE (S)	CHANGE	REASON
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MICHAEL KAPLAN

18

SUBSCRIBED AND SWORN TO BEFORE ME

19

THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 20\_\_.

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(NOTARY PUBLIC)

MY COMMISSION EXPIRES:

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